

THE  
CATHOLIQUES PLEA  
OR AN  
EXPLANATION  
OF THE  
Roman Catholick Belief.

Concern- } Church,  
ing their } Manner of Worship.  
          } Justification.  
          } Civill Governement.

Together with a Catalogue of all the  
Poenall Statutes against Popish Recusants.

All which is humbly submitted to serious  
Consideration.

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By a Catholick GENTLEMAN.

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THE  
CATHOLICUS PLEA

OR AN

EXPLANATION

OF THE

Catholic Belief

of the Catholic Church of all the  
ages and of its doctrines.

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## Persecution for Religion condemned, &c.

**W**hen I consider how tenderly our Saviour Christ recommends the precept of mutuall love to all that professe his Name, making it the Character of his followers, *By this all men shall know that you are my Disciples, if you love one another; Iohn 13. 35.* And when I reflect how highly the great Apostle Paul exalts the same commandment, abridging into this one precious syllable, the whole duty of a Christian, *All the Law is fulfilled in one word, Thou shalt love thy neighbour as thy self, Gal. 5.* I cannot sufficiently wonder, to see most Christians in this present age with fire and sword persecute each other, only upon the account of Religion: how are we degenerated from the primitive Believers, who would rather have given their own lives, to perswade their Enemies to piety, than sought to take away the lives of their Brethren, to force them to Hypocrisie?

Yet hath it pleased the Lord Christ in our dayes, upon whom the ends of the world are come, to infuse the like tenderesse into the breasts of many conscientious and godly-minded people of this Nation, who seeing the deformity and unreasonableness of those

those cruel Maxims, that preach ruine and destruction for the least difference in belief ) cease not to pray unto the God of heaven, and sollicite the Governors of the earth, that an impartiall freedom and absolute incoercency in matters of Religion may be firmly and irrevocably established for all that professe the Gospell of Christ.

For encouragement of which holy designe, woven out of the bowels of mercy, and for determent of those tempestuous spirits, that with thunder and lightning strive to storm mens consciences, I have endeavoured in this short Discourse to demonstrate, That Conscience-persecution amongst Christians is clearly repugnant to the *Light of Nature* the *Law of God*, and the *Evidence of our own Principles*.

### *Demonstrative Reasons against forcing of Conscience.*

**S**INCE we have so happily shaken off that intollerable Yoak of Popish infallibility (*which neither we nor our Fathers were able to bear*) it is become to us not only tyrannicall, but absurd, to compell others to a way, that our selves confesse may possibly be erronious; we see one Parliament repeals those Articles of faith which a former enacted; that form of worship which the Laws of the last age introduced, is now generally exploded; nay, the very last reformation settled with so solemn a Covenant, and carryed on with so furious a zeal is already by better lights discovered to be meerly humane, and therefore deservedly laid aside: The late Synods Confession of faith (hatched by so many years sitting) is now learnedly examined

and

and indeed for a great part solidly confuted, by Mr. *W. Parker*, and other learned persons, in print; how preposterous is it then to constrain a soul, not only to forsake his conscience, which may be truth, but drive him contrary to his own heart, to a way that may be errour.

2 Since the Word of God is the sole rule of Faith, and no humane authority so highly impowred, as to bind up our assents to whatsoever interpretation it shall please propose; it clearly follows, that as all the children of God have equal interest in the Testament of their Father, so no one amongst them has any right to impose a force upon the judgment of his brother: One holds Baptism of children to be necessary, another esteems it unlawfull, a third denies both these Opinions, admitting well that it may, but not that it must be done: they confer Texts, look into Original Tongues, pray incessantly to God, and professe solemnly the sincerity of their intentions; yet after all their diligences and devotions, stedfastly remain in their former persuasions; Truly for my part, he that should advise persecution in such a case (unlesse his fire brought light too with it, to demonstrate the truth) would scarce satisfie my suspicion, that his coales were fetcht from the infernall pit.

3 If we reflect upon the difficulties that encounter us in the way to truth, for *strait is the gate, and narrow is the path*, and withall consider the shortness of our sight, for *here we see but in part, and understand but in part*, there will appear more reason to endeavour the mutuall assistance and support, than malicious ruine and destruction one of another. However, since all have neither equall depth of naturall judgment, nor the same measure of supernaturall illumination, *but the Spirit bloweth how and*

where it pleaseth ; we ought not to attempt so high a presumption , as to despise or persecute our brother for his innocent and blamelesse mistakes , lest we be found to fight against God , who is the free disposer of his gifts ; we know *the way of man is not in himself*, *Itr. 15. 23.* but *his steps are ruled by the Lord*, *Pro. 20. 24.* and therefore certainly , did we bear a due respect to God , we would be content to wait his leisure , who has engaged himself by his Apostle, *Phil. 3. 15.* *If any man be otherwise minded , God shall in time reveal even this unto him* ; let us therefore entertain such an one , who proceeds in the simplicity of his heart , with *Milk*, till he grow stronger to digest *strong meat*.

4 All compulsion upon the Conscience returns us flatly to our old slavery under the *Prelats*, nay more, to the implicate faith of the *Papists* , with this only difference , that we are worse than either , because our consciences accuse us of doing that which we condemn in others ; for whatsoever I am constrained to swear or professe more than I am convinced of , proceeds from as great a tyranny as the High-Commission , and is as blind an assent , as can be marched in the grossest Popery , and dare we think that doing the same thing we judge in others , we shall escape the judgment of God? *Rom. 2. 3.*

5 Force is punishment , and consequently not just, unlesse the offence be voluntary : but he that believes according to the evidence of his own reason , is necessitated to that belief , and to compell him against it , were to drive him to renounce the essentiall part of man , his reason. Why should we be commanded to try the spirits , *1. Iohn 4. 1.* to prove all things, *1 Thes. 5. 21.* If there be not a faculty in the Soul to judge for her self? why we are enjoyned to hold fast that which we find to be best , if after our most

most serious and deliberate election we shall be whipt out of our Conscience by penalties? To what purpose do we preach poor souls into just so much liberty of Scripture, as may beget their torture, and not permit them to rest where they find satisfaction? either prohibit to search at all, or leave us sensible of some benefit by teaching: To believe what appears untrue, seems to me impossible; to profess what we believe untrue, I am sure is damnable.

6. As it is certain, whosoever swerves from the dictate of his Conscience commits a grievous sin, *Rom. 14.* So without question they that endeavour by force or artifice to draw any man to profess or act contrary to what his soul believes, are as deeply guilty of the same crime. *when you wound the weak consciences of your brethren, you sin against Christ, 1 Cor. 8. 12.* How dangerously then do they expose themselves to the just indignation of God, who by Oaths, Imprisonments, Forfeitures, &c. both drive others, and fall themselves into eternal perdition? How desperately do they attempt to extinguish the light of Nature, which indispensably obliges all men to deal with others, as they would be dealt with themselves, a light placed by God in clear and candid souls to shine and guide them, but in black ones to condemn and burn them. I shall close this discourse with the advice of the Apostle, *Rom. 14. 13. Let us therefore use our judgement rather in this, that no man put a stumbling block before his Brother.*

## 2. *Unanswerable Texts of Scripture against coercion in Religion.*

**N**Or are these so excellent and important truths built only upon the firm foundation of solid reason, but also upon the infallible authority

of evident Scripture, 2 Tim. 2. 24; &c. The servant of the Lord must not strive, but be gentle unto all men, apt to teach, forbearing, in meekness instructing those that are contrary-minded, if God peradventure will give them repentance, to the acknowledging of the truth, that they may recover themselves out of the snare of the Devil, who are taken captive by him at his will: And another Apostle forbidding us to condemn one another, saith (James 4. 12.) There is one Law-giver, who is able to save and to destroy: who art thou that judgest another? And in Paul to the Romans, 14. 4. who art thou that judgest anothers servant? to his own Master he standeth or falleth, yea he shall be holden up, for God is able to make him stand; one man esteemeth one day above another, another esteemeth every day alike; let every man be fully persuaded in his own mind; hast thou faith? have it to thy self before God, happy is he that condemneth not himself in that which he alloweth, that is, whose conscience inwardly accuseth not his outward profession. The same most zealous Preacher of the Gospel returns so condescending and moderate an answer to a case of a far harder sound than we undertake to maintain, that it sufficiently proves he took his gentle pen from the soft wing of the Dove, 1 Cor. 7. 12. &c. If any brother hath a wife that believeth not, and she be pleased to dwell with him, let him not put her away; and the woman that hath a husband that believeth not, & he be pleased to dwell with her, let her not leave him; but if the unbelieving depart, let him depart; a brother or a sister is not in bondage in such cases, but God hath called us to peace; for what knowest thou O wife, whether thou shalt save thy husband? and what knowest thou O man, whether thou shalt save thy wife? as God hath distributed to every man, as the Lord hath called every one, so let him walk, and so ordain I in all Churches. What can be said more efficaciously to ob-



lige Christians, in charity and meeknesse to forbear one another, than so expresse an Injunction of so great an Apostle, to live peaceably even with an Infidel? And again 2 Cor. 1. 24. He denies that even the Apostles themselves have any sovereignty over the Conscience, but only Commissions to assist the conscientious, *not that we have* (sayes he to the Corinthians) *Dominion over your faith, but are helpers of your joy*; therein exactly observing the Orders which Christ gave to his Apostles, *Goe and teach, not compell; and if any one receive you not, shake off the dust of your feet*, not trample upon them, as dust under feet. Mat. 12. 14. Constant to which Doctrine of Meeknesse, our Saviour thus instructs his Disciples, Mat. 23. 9. *Be not called Rabbi* (that is, Masters in spiritual matters) *for one is your Master, even Christ, and all you are brethren*. To this belongs the patient forbearing the tares, and letting them grow together with the wheat till the time of harvest, as also that admirable president of mildnesse towards the Samaritans, who refused to receive even Christ himself; whereupon the Disciples James & John would immediately command fire from heaven to consume them, as in the days of Elias, but our merciful Lord rebuked their zeal with this sweet & tender reply, *You know not what manner of spirit you are of, the Son of man is not come to destroy mens lives, but to save them*, Luk. 9. 54. which one example abundantly satisfies al objections drawn from the practice of Elias, Iehu, the sons of Levi, &c. in the Old Testament, for as they had an expresse command from God to warrant their Zeal, we have an expresse warrant from Christ to command us meeknesse. If any one shall shuffle in a suspition, that this moderate temper was meant only for the times of persecution, when the Christians had no temporall Power; let him first confesse that those

those were the best and purest times, and then shew a Warrant dormant under our Saviours hand (that is in his Gospel) to Commissionate his Disciples as soon as they should get the sword into their hands, to cut the throats of all disobeyers, and I submit; but if they can cite no such authority, let them freely acknowledge that persecution for Conscience is an unwarrantable tyranny over the just privileges and liberty of a Christian.

### 3. *Our own Principles against constraint upon the Conscience.*

Consonant to these reasons and clear Texts of Scripture, are the Principles of all the godly and well-affected of this Nation: to begin with them to whom we ow this liberty of discoursing, the unparelled Army, in all whose proceedings, and Declarations (especially since managed by the prodigiously successfull hands of the two later Generals) their *Motto* has been *Liberty to all tender and oppressed Consciences*, the glory of which so dazles the eyes of our enemies, and encourages the hearts of our friends, that notwithstanding whatever other disadvantage, we still find the Author of our Victory mindfull of the word which himself gave to our Army, *The meek shall inherit the Land*; of which short Texts written in our Ensigns, we may read a clear and perfect Commentary in the Proposals of the same still-triumphing Army, 1 Aug. 1647. when penetrating exactly into the true state of the Question, they prudently distinguish between quiet exercisers of their Consciences, and active prejudicers of the Common-wealth, and thereupon offer their earnest desires, *that all coercive power, and all civill penalties*



new alties for non-conformity be wholly repealed, and some other provision made against such Papists as should disturb the publike peace.

Many and wonderfull are the deliverances which our good God has dispensed to his servants, in reward of this their inclination to mercifulnesse; yet amongst all the glorious appearances of the Lord for his people, none can be found more eminent than the renowned victory over that rigid and severe Kirk-army of the Scots, *Septemb. 1650.* who declining the mild counsell of our Saviour, *to possesse their Souls with patience*, deservedly lost their lives by violence, a fatal argument, deciding manifestly this very controversie in favour of meeknesse, where the maintainers of compulsion were no lesse ingeniously than cruelly confuted, whilst assuming to themselves a Power to force our souls, they could not so much as defend their own bodies.

In memory of which great Salvation from the pride and fury of the *Presbyterian Priesthood*, the Parliament, as a new Covenant of Thanksgiving for so reasonable a mercy, in the same moneth enacted an abolishment of divers rigorous and penal Statutes, contrived on purpose by the haughty Prelats, to break the hearts of those, whose consciences they could not bend; which one Act has won more hearts to acknowledge and love the authority of the Parliament, than all their stupendious victories have forced bodies to confesse and fear their Power; and if it be not checked by limitations and partiality in the execution, will render them absolute Masters of all that understand their own felicity: for what can be imagined more welcome to a Christian people newly delivered from an Antichristian bondage, than to see themselves enfranchised into a holy Liberty of proceeding sincerely according to their consciences in the Worship of their God? Where-

Wherefore as we are full of joy for so excellent an Act, by which ( as the Apostle saith ) we are called unto Liberty, so we are full of hopes to be perfectly happy, by the free and universall observation thereof, without the least self-interest or respect of persons, being so conformable to the constant received Maxims and solemn deliberate profession of the Parliament, as appears by the Declaration of the Lords and Commons, in answer to the Scotch Papers, 4. Mar. 1647. where folio 43 the Discipline of Ecclesiasticall Censures, and all other punishments for matters of Religion are disclaimed, as grounded upon Popish and Prelaticall Principles, not to be revived under any image or shape whatsoever: and a little after folio 63. they proceed in the same sense, we shall not be afraid at the day of Judgement, that we have been more forward to set Christ at liberty, than to cast him in prison, it being better in our opinion ( where the case is not very clear ) to leave him to deal against many errors, than to use his authority for the suppressing of one truth; the weapons of fasting and prayer being both more Christian, and more available in such cases, than those of force and violence; and yet more fully (if possible) in another Declaration in answer to the letters of the Scots Commissioners, 17 Febr. 1648. As for the truth and power of Religion, it being a thing intrinsecall between God and the Soul, and the matters of Faith in the Gospel being such as no natural light doth reach unto, we conceive there is no human power of coercion thereunto, nor to restrain men from believing what God suffers their judgements to be perswaded of. Words of that solid weight and precious value as deserve to be ingraven with letters of gold, and religiously observed for ever by all tender consciences, as an Oracle.

Conformable to the aforesaid Principles, is that excellent Doctrine and advise set down by Mr. Parker and

his Brethren, in their *Examen of the late Synods Confession of Faith*, in these words, pag. 128. *Liberty of Conscience may be infringed, first by seeking violent means to alter conscientious mens judgements, and their present perswasion; for it is the office of him who is the Lord of conscience, to lighten and change mens minds, when and how he pleaseth, Phil. 3. 15. Let us therefore as many as be perfect be thus minded, and if in any thing you be otherwise minded, God shall reveal this unto you.*

2. By inciting another by like forcible means to will and to Act against his Conscience, and much more by imprisonment, mulcts, terrours, or threats, Rom. 14. 15, 20, 21. For this is to make him destroy his Soul, vers. 20, 23.

3. We may not disturb the peace of mens Consciences, or make their hearts sad with our speeches, or menacing them causlessly with commands from the Lord, *Ezechiel 13. 32. Because with lies ye have made the hearts of the righteous sad, whom I have not made sad. &c.* And in page 230, *But we would not have you assume to your selves, or attribute to others, a Power to Lord it over mens Faith and Consciences, especially when men walk obediently towards those that are in places of Rule and Authority, and live a godly, sober, honest, peaceable, and unblameable life. If men will do wickedly, and defend a Liberty in Christ so to do, let them be lyable to the Sword of Justice for so doing. But far be it from us, so much as by example, to draw a weak Brother, a Saint and fellow-servant of the Lord, whom no man can accuse, but for his differing judgment, to do any thing against Conscience, whereby he should condemn himself, as the Apostle speaks, Rom. 14. How much more ought Governours to be tender and abstemious in the use of violent and coercive means, to precipitate men into such perillous and destructive courses! All authority*

thority is given of God for mens welfare, and much more for the preservation, and not the destruction of the soul.

By these considerations (I conceive) is clearly demonstrated the freedome of a Christian Soul in her commerce for heaven, which since the mercifull bounty of God holds forth indifferently to all, the cruell covetousnes of man ought not to obstruct to any; surely it is the worst of *Monopolies* to lay imposicions upon the way to Paradiſe; Chriſt by his death, removed the Angel that chased from thence our first parents; and shall any of us take the Flaming Sword into our hands, to sheath it in the bowels of a poor Pilgrim, who with a sincere heart travailes to the same Country, only because he goes not in our company? In my *Fathers house are many Mansions*, saies Chriſt, why may there not be as many paths that lead to them? If they that have no Law, shall be judged without the Law, certainly they that unblameably mistake the Law, shall be tryed according to those *Expositions* which appeared unto them to be the meaning of the Law-giver, (for the sense is the Law, and not the letter) specially having so gracious a Judge, who hath already declared by his Apostle, 2 Cor. 8. *If there be first a willing mind, it is accepted according to what a man hath, and not according to what he hath not.*

Wherefore let us not by a suddain violence break into pieces the consciences of our brethren, but mildly draw them into a cordial and ingenuous unity, that righteousness and peace may flow together in the same chanel, and not as broken Ice dash one against another: let us patiently expect, till the Lord be pleased to take off the veil from their hearts that are otherwise minded, and not by forcing their judgements, add to their veil of ignorance a worse of hypocrisie; it being now a common experiment, that generally the issue of compulsory

and

and forced conformity closes in this, to make some few counterfeit Protestants, and a great many real Atheists; whence it is clearly concluded, that the onely true means of winning souls to God, is the Gospellary way of meeknesse and perswasion: and indeed it may worthily be esteemed the prime miracle of Christianity, that a person so humble as our Saviour appeared, without the help of Kings and Princes, without the enchanting words of mans wisdom, without the affrighting threats of fines, imprisonments, and deaths, (though all these were absolutely subject to his pleasure) should conquer Powers, and Principalities, should out-charm the Magick of humane eloquence, and by the admirable successe of his mildnes, condemn all those politique Religions, that confesse their own crazines, by using cruelty to support them: whereas to reduce the disobedient only with the spirit of gentleness and admonition, or at most desertion, argues indeed a Divinity in the Author, and a Purity in the Ordinance: and here we may fitly apply the words of our Lord, John 14. *If it had been otherwise, I would have told you: If the way of planting my Faith had been by imposing penalties on the hearers, and not rather by exposing the Preachers thereof to dangers, I would have told you: If the means of preserving Religion had been by watering it with the bloud of refusers to embrace it, rather than of those that sought to propagate it, I would have told you either by my example (all the world being in the power of my Deity) or by my doctrine, all justifiable proceedings concerning the government of my Flock, being derived from the warrant of my Word.* Thus we see our gracious Law-maker, faithful and constant in his own Principles, *The Son of man came not to destroy mens lives but to save them.* Thus we see our own duty to learn of him, *for he is meek and humble of heart; let us not therefore judge one another any more, but use our judgement rather in this, that no man* put

put an occasion to fall, or a stumbling block before his brother, Rom. 14. 13. Let us alwaies remember the advertisement which the beloved Disciple gives to all his fellow-servants of the Lord Christ, John. 13. 10. *The servant is not greater than his Lord; If you know these things, happy are you if you doe them.*

### *Of tender Consciencos.*

**T**Hese few unpolished *lines*, which I here present for encouragement of tenderness, I desire may not be *freshed* to draw in a wild and extravagant licentiousnes, since they aim no farther than to hold up a Liberty to such only as profess Christ, and walk before the Lord in the integrity of their heart, who by the following marks are easily discernable from all those that for their blasphemies in Doctrines, and debauchery in manners, are worthily excluded from the benefit of this Indulgence.

Supposing first, as confess by all understanding men, that tenderness of conscience is not the same thing with truth of judgement, (else there could be but one only kind, because truth is but one) but it signifies a proceeding *bona fide*, without sinister respects, or dissimulation, seeking before all things to know God, and fearing above all things to offend him. And secondly, since in our enquiry, to whom belongs so honorable a title, we cannot pierce into the inward thoughts of men, we must give sentence as they appear to us, which rule in cases of this quality is in it self sufficiently certain; however, 'tis the onely means God hath allowed our nature to guide her resolutions in the judging of others.

The signes then of tender Consciencos are these: If they lead regular, virtuous, and peaceable lives; If their



their Opinions be not justly accusable of self-interest or licentiousness, but rather require of them a prudent and religious severity against the inclinations of corrupted nature; If their judgements be steady, not fann'd to a new sense with every breath of wind; If they continue in the same persuasions at their death, which is no time for dissembling, at least we ought to judge so; If they not only die in their Faith, but for it, not only give away good part of their estates charitably, but suffer all to be taken away patiently, and all this for Christs sake, or (to speak more closely) for that which they believe to be his will and commandment. no higher testimony of a true and real sincerity can possibly be given, or easily imagined; and whosoever doubts after such evidence, (chiefly if many concur in the same way) deserves to be condemned, as the most passionate, malicious and uncharitable person in the world; for though one man may value his fancy above his life or estate, yet it is very neer an absolute impossibility, that many (especially if they be discreet and rational in other negotiations) should agree to undo themselves for a meer conceit, did not they seriously believe it more imports them to keep their Faith, than lose their Fortunes.

By these rules we may easily conclude the admission of those pious and religious persons, who were imprisoned and persecuted by the late Prelates, into the number of tender Consciences; as also those precious servants of the Lord, who by a voluntary banishment left their friends and country, to plant the liberty of the Gospel amongst the savage Heathens of *America*.

Whilst I was finishing these lines a worthy friend of mine came to honour me with the civility of a visit; to whom reading these last two or three considerations, he told me, that as he believed the Characters I had given of a *tender Conscience* were most evidently true, and to all

unbaised-minds perfectly satisfactory, yet they were applicable to a sort of people in this Nation, whose being discountenanced, is thought so profitable to the State, and so pleasing to a certain froward part of the Ministry, that he feared my Reasons might encounter some opposition, unlesse they met with very ingenuious and dis-interested Readers; plainly telling me, that the measures I had cut out for tender Consciences, would fit the *Papists* as well as if they had been made for them: For who live more peaceably with their neighbors, (says he) who deal more justly with all men than they? who are more constant in their Religion, and more scrupulous in the observances of their Law, than they? who suffer for their Faith, more than they; nay, at this time, who besides them? They submit their understandings to the definitions of their Church, and their wills to the obedience of its Discipline, in Fasting, Confession, and many other burthensome duties, all which are very disagreeable to the Dictates of flesh and blood, as containing the real practice of the highest self-denial that can be imagined: And for the serious hour of death, I must confesse, I have known many of us turn *Papists* upon our death-bed, but never in all my life so much as once the contrary; and to speak ingenuously, I have often observed, that they who go thō us to them, seem (which you make the only judge) more spiritual, retired, and devout than before they left us; whereas of the *Papists* that become Protestants, (besides the worldly designs they may easily be thought to have) most commonly they grow more licentious, both in faith and manners, especially the Priests, who seldom or never are converted, if once past the age of marrying.

I, who had alwaies believed the punishments laid upon them, were reducible to civill crimes, though defended by them as points of Religion, resolved



to follow those so certain and evident Principles, which I had already framed ( for discerning of tender consciences ) whithersoever they should lead me ; and therefore desired my friend to bring me to the knowledge of some moderate and discreet Papist, that I might examine their Tenents, not doubting their easie exclusion from the privileges of tender Consciencs : this my friend immediately did , recommending one to me , a morally honest and understanding man , though ( sayes he ) a little abused in his Religion , and a great deal for it ; After we had met , and agreed to discourse with all freedom, the Recusant began with a short story of the present sufferings of Papists ; Whereof ( he said ) Some are sequestred for Delinquency , and those of all Cavaliers ( cæteris paribus ) the most severely , though of all the most excusable , beccause wholly depending upon the pleasure of the late King , and infinitely obliged to his Royall Lenity ; noting it as an unanswerable argument of their fidelity and gratitude toward such as deal with them in mercy , as also that their declining to receive the Oathes of Supremacy and Allegiance , for which they have heretofore been so violently persecuted, proceeded not from any aversion to civill obedience , but because there were mingled in those Oathes certain expressions of a pure spirituall nature , repugnant to their Consciencs , and altogether unnecessary to the common security.

Others are equally punished , that is , their whole estates sequestred, allowing only a fifth part for their wives and children, though in true reason they are altogether justifiable , having never been in any Engagement, but found only in some Garisons of the King, whither they were driven for refuge , being put out of the protection of the Parliament by publique Proclamation , their houses every where rifled , their goods plundered,

and lives endangered by the Souldiers, whose condition seems clearly to be within the equity of that Article of the Armys Proposals, Aug. 1647. That the Kings meniall servants, who never took up Arms, but only attended on his Person, according to their Offices, be freed from Composition; much more those who had both the civill reason of duty, and the unanswerable argument of necessity, to plead for their discharge: And (which is yet more hard) some Recusants of this Classe, who never bare Arms, but were only found in Garrisons, for their own personall security, as aforesaid, are now ranked among the highest Delinquents, and their Estates to be sold, such are Sir Henry Beddingfield, Mr. Bodenham, Mr. Gefford, &c.

As for the single Recusants, two thirds of their estates are seized upon, only for the Cause of Religion, under which notion are included all such as were heretofore convict of not resorting to Common-Prayers, or do now refuse the Oath of Abjuration, a new Oath made by the two Houses, when the former kind of service was abolisht, wherein the practice is strangely severe, for upon bare information, the estate of the suspected is secured, that is his rents, &c. suspended, before any tryall, or legal proof, even in these times of peace, and being once thus half condemned, he has no other remedy to help himself; but by forswearing his religion, and so by an Oath a thousand times harsher than that Ex Officio, they draw out of his own mouth his condemnation.

When the Sequestrators have thus seized into their hands two thirds of the most innocent Recusants lands and goods, then come the Excizemen, Tax-gatherers, and other Collectors, and pinch away no small part of the poor third penny that was left them; so that after these deductions I have known some estates of 300 pounds a year, reduced to lesse than threescore, a lean pittance

to maintain them and their Children, being persons for the most part of good quality, and civill education: and as for Priests, it is made as great a crime to have taken Orders after the rites of their Church, as to have committed the most hainous treason that can be imagined, and they are far more cruelly punished than those that murder their own Parents.

Besides these extreme and fatall penalties that ly upon the Recusants meerly for their conscience, there are many other afflictions whereof few take notice, which though of lesser weight, yet being added to the former, quite sink them down to the bottome of sorrow and perplexity; as their continuall fear of having their houses broke open and searcht by Pursuivants, who enter at what houres they please, and do there what they list, taking away not only all the Instruments of their Religion, but ostentimes, Money, Plate, Watches, and other such popish Idols, especially if they be found in the same room with any Pictures, and so infected with a relative superstition.

Another of their afflictions is, that they, I mean these single Recusants, have no power to sell or mortgage the least part of their Estates, either to pay their just debts, or defray their necessary expences, whereby they are disabled of all commerce, and their credit being utterly lost, (upon which many of them now provide even their dayly bread) they must needs in a short time be brought to a desperate necessity, if not absolute ruine; and if any, the most quiet and moderate amongst them, should to desire to transplant himself in a milder Climate, and endeavour to avoid the offence that is taken against him in his own Country, he cannot so dispose of his estate here, as by Bill of exchange, or any other way, to provide the least subsistence for himself and his Family: A severity far beyond the most rigid practice of the Scotch Kirk; for there (as I am informed) the persons of Recusants

are only banished out of the Kingdom, and prohibited to reside at their own homes above forty dayes in a year, which time is allowed them for the managing of their estates, and their estates allowed them for their maintenance abroad; A proceeding which their Principles would clearly justifie, if they could justifie their Principles. But in England, where compulsion upon the Conscience is decryed as the worst of slaveries; to punish men so sharply for matters of Religion, contrary to the principles publickly received, is a course that must needs beget over all the world a strong suspicion and prejudice against the honour and reputation of that State, which at the same time can practise such manifest contradictions.

To this deplorable condition (said he almost weeping) are the English Catholiques now reduced, yet they bear all, not only with patience, but even silence; for amongst the printed complaints so frequent in these times, never any thing hath been seen to proceed from them, though alwayes the chief, and now the sole sufferers for their Consciences, except (not to be altogether wanting to themselves) some modest Petitions humbly addressed to the Parliament, though such hath been their unhappinesse, that more weighty affairs have still disappointed their being taken into consideration; else were they admitted to clear themselves of the mistakes and scandals unjustly imputed to them, they would not doubt fully to satisfie all ingenuous, and unpassionate men, nay even whomsoever, that were but moderatly prejudiced against them.

To this I answered, that as every one sees the severity of the Penalties which Papists suffer, so for my self, I believe the tenderesse of their Consciences, because they suffer; and upon this ground we see our Judges and Committee-men allow Deeds, where they find clear proof of a valuable consideration, But Idolatry, and the destructive Principles

concerning Civil Government, seem to mee the two points that are *onely* and *altogether* intolerable in that Religion.

*Whether Papists be guilty of Idolatry in the  
Question of Angels, Saints,  
and Pictures.*

**T**HE Papist here first took for granted, which indeed I could not deny, that if any Opinion be probably true, persecution in that case is certainly unlawfull; because otherwise both sides, for both are probable, if one be, might justifiably persecute one another, to the utter destruction of all Society: and after returned this answer to my first objection.

*We reverence indeed (saies he) the Angels and blessed Saints, with a respect far more than we use to men; because far above their Dignity, but infinitely below the adoration we give to G O D, because infinitely below his excellency. All the mistakes in this controversie arising from hence, that the language of men hath more distinctness and variety than the gestures of their bodies, and yet is far lesse copious than the thoughts of their minds; whence it is they so frequently apply to most different conceptions the self-same words and postures of body, as the titles of sacred Majesty, most High, most Mighty, given to Kings and States, the stile of Grace to Dukes and Archbishops, of Lord to Noblemen, Generals, Ambassadors, &c. of Worship to Gentlemen of quality, and such as bear any considerable Office in the Commonwealth; so kneeling to Parents, standing bare to the Parliament and other Courts, bowing to one another, &c. All these very expressions are the same we use towards God himself, and passe innocently, when rightly*

understood ; but to a scrupulous and wilfull spirit , how offensive would this one word Worshipfull be, if it be reflected with a little rigor and frowardnesse upon it ? Now as every old woman has capacity enough to make a different apprehension betwixt going to speak with one at the Lion in Cheapside, and going to see the Lion in the Tower ; so may any the most simple Catholique in the world, by a very little teaching, learn to distinguish the Crucifix which he sees in the Church, from Christ whom he believes to be in Heaven ; and consequently in no more danger of committing Idolatry to that Picture , than the other of fearing to be torn in peeces by the Sign.

Upon this Argument of the Papist, I call'd to mind what I had read my self in Scripture, how the Prophet Balaam fell flat upon the ground, and adored an Angel, Num. 22. 31. and Ioshua gave the same honour to another , that stiled himself Captain of the Lords Host, and therefore could not be the Lord, Ios. 5. 13. nay, he was commanded yet further, to put off his shooes, because the ground was holy, by the presence of an Angel ; these examples, I confesse, being related in the Bible , without the least note of reproof , enforce us to admit severall degrees of worship, infinitely differing in the intention of the mind, though very little in outward expressions ; now by whatsoever names we Protestants shall agree to call this behavior of Balaam, Ioshua, and even all the Jews before the Ark and Cherubins, I see plainly willfully expresse, and shrewdly justify ( at least from Idolatry ) all the approved practices of the Papists, which truly cast up, as far as I can discern, amouut to no more than a reverence towards Saints and Angels, suitable to the excellency of their State ; and for Churches, Altars, Pictures, &c. only to an Ecclesiasticall kind of good manners. And by the Light of Nature thus far seems to me evident, that all honor or dishonor done to the



the Image reflects upon the Principall, since not one amongst us but would condemn him for a Malignant, that should shoot at my Lord Generals Picture without *Temple-Bar*, and if any should reprove him for his temerity, we would presently conclude such person wel-affected to the present Government, and not at all sequestrable for *Idolatry*, unlesse we could prove that the abused and doting people superstitiously adored the painted cloth, which kind of worship, I am satisfied, no Recusant gives even to the Picture of our Saviour.

Lastly, I think it probable, not certain, as the Papists do, that the second *Commandement* intends not to forbid any such inferiour spirituall civilities, because wise Governors contrive their Laws against those vices, to which they see their Subjects particularly inclined; and therefore down-right *Idolatry*, by offering Sacrifice to Gods made with hands, and reposing confidence in their assistance, being the common sins of those times, 'tis probable we ought to interpret this *Precept*, as a provision against Heathenish *Idolatry*, not against such kind of reverences as the Jewes by Gods own appointment used before the Ark and Cherupims.

Agreeable to this, is the Opinion of the learned Master Hobs in his *Leviathan*, where fol. 360. he affirms, that to worship God in some peculiar place, or turning a mans face towards an Image, is not to worship the place or Image, but to acknowledge them holy, that is to say, set apart from common use; for that is the meaning of the word holy, which implies no new quality in the place or Image, but only a new relation by appropriation to God, and therefore is not *Idolatry*. But to worship God, as inanimating or inhabiting such place or Image, is *Idolatry*; as also to worship God, not as inanimating or present in the place or Image but to  
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the end to be put in mind of him or some of his works, in case the place or Image be dedicated or set up by private authority, and not by the Authority of them that are our Sovereign Pastors, is Idolatry: For the Commandement is, **THOU SHALT NOT MAKE TO THY SELF ANY GRAVEN IMAGE.**

Thus in my judgement doth that learned Protestant absolutely clear the Papists of Idolatry, though perhaps he had more precisely exprest this last way of transgressing the second Commandement, if he had call'd it *will-worship* rather than *Idolatry*, because there is onely a want of Commission, no excess in the degree of reverence: And though afterwards he condemn praying to Saints departed, as Idolatry, yet it is only upon a particular supposition of his own, that there is yet no such thing as Saints in Heaven.

When I had read this passage of so famous an Author to the Recusant, he to requite my civility, immediately shewed me the words of the Council of Trent, which he said differed nothing at all from Mr. Hobs, and very little from me: For as I thought, that the exhibition of some inferior kind of reverence towards Churches, and other Instruments of piety, was probably unforbidden; so that Council decrees the absolute lawfulness thereof, in the 25. Session, where to the Canon concerning Images, are added these words of explanation: *Not that there is believed any divinity or vertue in them, for which they ought to be worshipped, or that they are to be petitioned for any thing, or any confidence ought to be reposed in Images, as of old was done by the Gentiles, who placed their hope in Idols, but because the honour exhibited to them is referred to the Prototypes they represent, that so through the Images, which we kisse, and before which we bare*

our



*our heads and kneel down, we may adore Christ and venerate his Saints.*

Upon occasion of which words, the Papiſt assured me, that in no Council is used the phrase of *Religious worship*, when they treat of these questions, nor any thing concerning them commanded as necessary, but only their lawfulness declared, that such as find benefit by their assisting the memory, or exciting the affections, may safely use them, the rest may let them alone, provided they censure not the practice of others, over whom they have no jurisdiction, nor condemn the judgement of the Church, who has jurisdiction over them.

And hereupon we both agreed in this collaterall observation, That if all modern Controvertists would restrain their disputes to positions generally received as of Faith in the Church, of which they are members, attending only to her expressions, and not to the terms of particular Writers, the differences amongst Christians, so fatal to the peace of *Europe*, would be both lesse numerous, and far more reconcilable.

*Whether Papists be guilty of Idolatry in the Eucharist.*

**B**Efore we could proceed to the second part of this Question, the Recusant upon some occasions was obliged to go into the Countrey, whence he sent me this following paper:

*Since it is concluded between us, that Probability exempts from persecution, I shall endeavour to prove that the Real presence of our Saviour in the Eucharist, is at least a probable Opinion; and in order thereunto, cite the most expresse and direct terms of the holy Scriptures*

as first the promise of our SAVIOUR, Joh. 6. 5. The bread that I will give is my Flesh, which I will give for the life of the world; and ver. 55. My Flesh is meat indeed, and my Blood is drink indeed. Secondly, The performance of that promise, in the words of Institution, Take, eat, this is my Body; punctually repeated by the other three Evangelists, Mat. 26. 26. Mar. 14. 22. Luk. 22. 19. And thirdly, the places declaring the use of this Sacrament in the Apostles time, 1 Cor. 10. 16. The Cup of blessing which we blesse, is it not the Communion of the Blood of Christ? and the bread which we break, is it not the participation of the Body of the Lord? 1 Cor. 11. 29. He that eateth and drinketh unworthily, eateth and drinketh damnation to himself, not discerning the Lords Body. Thus the great Apostle S. Paul, and all the four Evangelists unanimously teach the Doctrine of the Real Presence, & not one single place producible that in direct terms calls the Eucharist a signe or figure of Christs Body, notwithstanding maintainers thereof, admit no proof as authentical but the precise text of Scripture, yet in this so important controversie they flie to Logical inferences, and Philosophical discourses, & so make their own reason the Judge, and not the word of God, rendring by their new and private interpretations this great Sacrament inferior in dignity, not only to the Paschal Lamb, a type of Christ, but even to Manna, which was but a figure of this very mystery.

Surely, if we shall add to so many and evident texts of Scripture, the constant judgment of the Fathers, and the universal practice of the whole Christian world for above a thousand years (since so long is acknowledged the absolute Reign of our Religion) we may safely conclude the Doctrine of our Saviours presence in the Eucharist to be at least probable, and consequently Catholics in no wise accusable of rashnesse or obstinacy,

in believing a Position so efficaciously recommended unto them.

BUT admitting the Doctrine of non-reality to be true, (said the Letter of the Recusant) yet ought not Catholics to be judged guilty of the sinne of Idolatry, because their adoration is not intentionally directed to any creature, but to the Person of Christ our Lord: and if He be not there, their worship is mistaken in the place, not in the object, and therefore at most an error of fact, and no formal Idolatry which no temperate Judge will impute unto sin, much lesse our mercifull Redeemer, who came to save, not to destroy, who accepts of the good meaning of his servants though mingled with humane infirmities, as when Abimelech mis-took Sara from her husband, being informed by Abraham that she was his Sister; the sincere and conscientious King received absolution from God himself, upon this account, that he did it (saith the text) in the simplicity of his heart, Gen 20. 6. which seems an expresse and infallible decision of this Controverse, that men may be unhappy by being deceived, but are not guilty, unlesse they deceive themselves.

This kind of reasoning prevailed somewhat the more with me, because the Apology of the reformed Churches of France, expressly approves it, saying, if an Apostle had by mistake adored some other man resembling Christ, when he lived on earth, his error would have excused him. Daille chap. 11. As on the other side Mary Magdalens not adoring Christ, when he appeared to her in the habit of a Gardener, John 20. 15. was never accused as a defect of devotion; wherefore since the Papists all professe not to terminate their adoration in the species of Bread and Wine, nor any other creature, but in the blessed person of our Lord, I conclude them erroneous in their Doctrine, but not Idolatrous in their

their practice ; to be pittied as Soules misled , not persecuted as malicious.

Nor can I satisfie my conscience , since to this point the Opinion of the *Papists* is no more opposite to us , than that of the *Lutherans* , why we should freely allow communion to *these* even of spirituall things , and in the mean while not afford *them* so much as the liberty to possesse their own temporall goods. The *Lutherans* believe our SAVIOUR to be as really in the *Eucharist* , as he was upon the Crosse , but doe not adore him ; the *Papists* both believe and adore ; for my part , I should clearly , either doe both , or neither , at least I shall never be brought to this partiality , to cherish the one as brethren , and persecute the other as enemies , especially when I consider the Christian proceedings of the Protestants in *New-England* , *Virginia* , and the other Plantations in the *Indies* , where we abhor to destroy the Natives , though confessedly Idolaters , but rather strive to convert them , by holding out the truth in love.

*Whether Papists are inconsistent with Civil Government.*

**B**Y the next Post I received from the same hand another Letter concerning the common objection , that *Papists* hold many principles destructive to civil Society ; wherein the Recusant protesting first solemnly , as in the sight of God and his holy Angels , to use all ingenuity and candor in his relation of the Catholic-like Doctrine , earnestly entreated me to give credit to his report in the matters of *Fact* , and for the right , to judge freely , as I saw cause.

*We will divide (sayes he) the main Question into two points*

points, as it relates either to our equals, or Superiours: for the first touching Commerce and Conversation, we absolutely disclaim that scandalous opinion, That no Faith is to be kept with Heretikes; and flatly deny, that our engagement, promise, or contract, may lawfully be broken by our selves, or dispensed with by any Power on earth, to the prejudice of a third person, of what Religion soever; and for equivocation, mental reservation, &c. I am confident, though I have not here any opportunity to look into Books, that no Generall Council mentions either any such word, or any such thing; Schoolmen indeed dispute frequently such subtilties, which by men of different principles and affections in Religion are easily mis-understood, and often perverted, but amongst Catholiques every one has liberty to deny them as he pleases, without any prejudice to Faith; and though those Speculations generally deserve encouragement, yet when they arrive at a certain degree of nicenesse, they rather become an innocent curiosity, than profitable employment; and in such an infinity of opinions, as Catholike writers have leisure to publish, it is impossible, but that through passion, unwarinesse, or humane frailty, some mistakes must escape, and then the unhappinesse is, that prejudiced and captious Readers applying their whole study to find faults, forget the good and wholesome notions they meet, and remember nothing but the errors.

As to the second branch concerning our duty to Magistrates, we deny, sayes the letter, any earthly power can dispence with our civil obedience, and acknowledge our selves bound, not only to the Law of Nature, but by the expresse word of God, to render unto Cæsar the things that are Cæsars, to be subject not only for fear, but conscience sake; what Christian Prince or State is there in the world, whom the subjects serve with

with more fidelity than the Spaniard, French, and Italian, all Catholick Dominions? and particularly in England, where we are some of Paul, and some of Apollo, and some of Cephass, what comparison is there betwixt the behaviour of Catholicks, towards H. 8. Edw. 6. and Eliz. and the fury of Lutherans and Calvinists in Germany, and indeed wheresoever they are discontented; yet there is a vast difference, as to Government, between these two cases, to oppose by force the introducement of innovations, by which the peace must needs be endangered, and to attempt by force the extinguishment of an ancient Religion, whereof the people are universally in quiet, and immemoriall possession, the one drives others out of possession, the other maintains himself in, the one invades his neighbours rights, the other defends his own.

How many modern experiences (the easiest argument to be understood, and surest to be relyed on) clearly resolve this question; if we but consider the union of hearts, and common interests of State, between the Protestant and Catholick Cantons of Switzerland, where very many Churches serve by turns upon the same day, for the exercise of both Religions, dividing every Sunday morning into 2 parts, and assigning to each about 3 hours for their devotions; wherein they are so punctual to maintain equality, that if the Protestants have the first three hours one morning, next week they are to have the last; and thus they continually practice, without enterfering or offending one another.

To this so pregnant example (sufficient of it self to clear the consistency of these two Religions) I shall further add their fair comportment, one towards another, in many Provinces and Free-Towns in Germany; but most remarkable is their friendly and peaceable living together in Holland, even during so long and dangerous wars with Spain; Spain the chief protector of the Catholick  
faith



faith; Spain the most zealous propagator of the Pontifical authority; to whose dominion if the United-Provinces should again return, certainly the Catholics there might prudently promise to themselves all possible advantages; yet notwithstanding so great occasion of jealousy, the States (than whom none are more vigilant over their true interest) have not only with security, but exceeding benefit to their Common-wealth, tolerated the Catholics of quiet conversation, to live freely amongst them. And on the other side the Catholics, ingratitude for so favourable a treating, have exactly corresponded to the mercy of their Magistrates, with a most constant, sincere, and faithfull obedience.

To none of these suspicions are the Recusants of England in the least measure obnoxious, because whatever change of Government can happen, they must expect but a milder degree of disaffection towards them, at most a sufferance, no encouragement, or particular confidence; and infallibly, if the rigor of the Lawes (made upon far different motives which are now no ways pressing) were qualified to a temper of mercy, that the Catholics might enjoy but halfe the Liberties to which they were born, they would be the most quiet and usefull Subjects of England, since their Religion obliges to obey the lawfull commands of their Superiours, not only for fear, but conscience. Nor did ever the very worst of them stir in any sedition at any time when they were admitted to but halfe the common rights of English-men, nor were they many that ever attempted their own relief by enlarging their Countries peace, all the rest sitting quietly and patiently under the burthens which the heavy hand of those times continually beapt upon them.

Now that the crimes (though never so hainous) of a few discontented & desperate spirits should be imputed to their Religion, whose principles expressly condemn  
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 such

such conspiracies, seems extremely rigorous; but when to those dishonorable imputations are joyned intollerable penalties both upon our lives and estates, and not only against the then living Catholikes, but all their posterity to this very day, surely it must needs appear the most barsh and severe proceeding that ever was practised in the world. wherefore I shall close this second Letter with my humble prayers to the gracious Redeemer of our soules, that you would cease to impute all our faults to our Religion. and we begin to commit no other faults but our Religion, so should we happily overcome our own infirmities, and fully satisfie your jealousies.

When I had well perused this Gentlemans discourse, and attentively read his Letters, I must freely confesse I could not have believed that either the Papists had suffered so much from us, or been able to say so much for themselves, I do not mean in order to prove the truth of their Religion, but the unreasonableesse of our persecution; since really to my understanding, our jealousies of their obedience seem as unnecessary unto us, as prejudiciall to them; for I am confident there is no Religion in the world, but by good Laws against breach of peace, and due execution of them, may be made consistent with any Kingdome or Commonwealth whatsoever. Who more opposite in believe then *Christians*, *Jewes*, and *Turks*, yet we see by experience that *Jews* are not inconsistent with the Government of *Christians*, nor *Christians* with that of the *Turks*, no not such *Christians*, as are here in *Queens* on, *Papists*.

As concerning the Doctrine we charge upon them, of the Popes power over Supreme Magistrates, I had the fortune some few years since to meet with a paper that clearly answered all my difficulties, wherein were written the Negative subscriptions of many English Recusants.



ants against these three following Propositions, as no part of their Faith or Religion, the Subscribers being both in number and quality sufficient to represent the whole body of them in this Nation.

1. That the Pope or Church hath Power to absolve any person or persons from their obedience to the civil and politicall Government establish'd, or cbe establish'd in this Nation in civil and political affairs.
2. That by the command or dispensation of Pope or Church, it is lawfull to kill, destroy, or do any injury to person or persons living within the Kings dominions, because that such a person or persons are accused, condemned, censured, or excommunicated for Error, Schisme; or Heresie.
3. That it is lawfull in it selfe, or by dispensation from the Pope, to break promise or oath made to any of the foresaid persons, under pretence that they are Heretiques.

These they utterly disclaim and renounce as no part of their belief, professing under their hands their readiness to abjure (if the State should so require) the practice and execution of them all: which gave me so much the more satisfaction, by how much it was besides my expectation, nor have I now any thing to say against them upon that account.

And indeed, if we consider these differences between us impartially, our suspicions are not only confuted, but shamed by own daily experience; for we trust Papists in all Negotiations, as indifferently as Protestants, may even our Travellers and Merchants beyond Seas (where the Papists are Masters) converse and traffique securely with them, and yet I never heard the least complaint of any one single Protestant being cheated by them, upon pretence of exemption or dispensation

and therefore since they practise not that part, which may sometimes be profitable, I cannot think they hold to no purpose, that which is always prejudicial.

For my small experience in the world, all the objection that ever I heard of against the credit of our *Papists* was their being disabled by sequestrations to pay their debts, not taught by their Religion to deceive their Creditors

If their Doctrines were so destructive to civil Society, as our accusations pretend; how comes it to pass that our fundamentall Laws were enacted by them, who invested the Supream Authority of this Nation with so Honourable Priviledges, and yet provided so prudently for the just security of the people, against the unjust encroachments of Prerogative? from whom have all those excellent customs and Statutes of this Nation descended upon us? is it possible we should derive all the ancient Priviledges of Parliament, and Liberties of the Subject, contained in *Magna Charta*, &c. from the times their Religion governed the Land, and yet say now their Religion is inconsistent with the Government of the Land? as it is very true, that sometimes the Popes power here was abused to support a temporal interest, so it is evident to those that know History, that his mediation hath been available, both for the preventing and reconciling of our differences, as well with our neighbouring Kingdomes, as amongst our selves.

Nor is it possible that any Model of Government should be absolutely proof against all exceptions, but by the experience of five or six hundred years some abuse will certainly happen; whence it is easie for a severe observer to gather objections enough to puzzle the most able, & politique Statist in the world to answer, especially if they be managed with dexterity and eloquence amongst a half witted and stubborn people, who neither

can guide themselves, nor will be led by others, nor blind enough to be ignorant, where they are, and yet too short-sighted to see whether they goe; unhappy chiefly in this, that they are tender in the sense of any present evil, and wholly incapable of fore-seeing the destruction that follows their impatience.

Hear what is said charitably of the Papists in the fore-said *Examination* of the late *Synods confession of Faith* (p.266.) *The Papists believe in the same God with the Protestants, even in the Father, the Son, and the Holy Ghost, though they differ in some Articles, or branches of Articles of their belief, and in their way of worship; yea some of the Papists are regenerate, conscientious, and vertuous persons.*

Wherefore (I humbly conceive) our Magistrates and Ministers ought sincerely to enquire into the truth of things, and make a conscience of judging or preaching otherwise then *secundum probato*, and not upon bare jealousies, or the blind opinion of the Vulgar; condemn any free-born member of this Nation, farther then he shall be proved to be guilty: Nor do I believe it reasonable, to charge every unjustifiable action of particular *Papists*, or extravagant opinion of any private writer amongst them, upon the whole body of their Religion; The Decrees of their Councils, they professe to be the only absolute declarers of their Faith, amongst whose determinations there are faults enough which they strive to defend, no need of imposing upon them errours, which they flatly deny; Let us lay our hands upon our own hearts, we our selves want not our capriches and exorbitant conceits, which ought not to be imputed to the whole reformed Religion, but to the imperfection of humane Nature, easily deceived with the Colour of truth, and passionately in love with its own invention.

Besides, instead of jealousies and dangers, I cannot see but great security and advantages would accrue to this Nation, by treating in mercy all peaceable Papists; the Pope would be deprived of that specious pretext of relieving his distressed Flock; the Princes and States of that Religion, would for honour as well as Conscience, upon all occasions, expresse their satisfaction to see them mercifully used, whom for their profession they account brethren; and for their sufferings, Martyrs, The Protestants in other Countreys would be more assured of the freedome they enjoy, and more hopefull of obtaining new encreases of their Liberty. The Papists of England would be bound by their own interest (the strongest obligation amongst wise men) to live peaceably and thankfully in the private exercise of their consciences, and, becoming gainers by such compassion, could not so reasonably be distrusted, as the Prelaticall or Presbyterian Party, who must needs reckon them selves no small losers, in that the reins of Authority are taken out of their hands, which they had by turns abused into meer whips for their brethren.

Of the one we have had too long experience in the *High-Commission*, especially since its power was overgrown by the conspiracy of the *Star-chamber*, a Court where Fines were imposed, not according to the quality of the offences, but of the judges, who thought it below their honour to punish under thousands of pounds for every *Peccadillo*.

Of the other, though our tryal has been short, yet it was very smart, and lives still in the memory of England, which is every day refreshed by the present practise of Scotland, where the Kirk has condemn'd all that differ from the least tittle of her humor, crying *Anathema Maranatha* upon all the Congregations of the Saints, as appears

by their *Synodical Act* set forth in *Jan 1650.* and sent to their brethren in *Edenburgh*, where, having first called our wayes *abominations*, and our selves a *perverse Generation*, and branded those few honest Scots, who suffered themselves to be undeceived by the reasons and civility of our Army, with the infamous name of *Apostates* they proceed to the most bitter, malicious and scandalous words that an Inraged Scot can utter, speaking thus to their Party: *we exhort you, and by all the power over you we have in the Lord; require you, carefully to avoid all familiar converse of every degree, above all, that you beware to joyne with them* ( those that adhere to the Parllament of England ) *in any publick or private exercise of Religion, those who will adventure to touch pitch, may be defiled before they be aware: those who will not abstaine from the Harlots, shall not be innocent: Take heed* ( dearly beloved ) *of them that are led by the subtilty and depth of the Devil, and among all his instruments, we intreat you to avoid none more then these miserable Apostates of our own Nation, for we conceive none more fitted to work mischief among you then this sort of men.* And in their motives or grounds for a Fast in *June 1651.* their expressions against us are no lesse bitter; see how their zeale boyls, while they are but a kindling, while we choake the fuel in its own smoake; how will their fury run over, when the fire shall by any successe be raised into a flame! how will they drown the whole Countrey in an inundation of more then Antichristian slavery!

But because I perceived by a passage in the Recusants discourse, that nothing lay more heavy upon them than the new Oath of *Abjuration* made by the Presbyterian Party in the beginning of the late troubles; I shall adventure humbly to move some *Quæres* thereupon, transcribing first a true Copy of the Oath it self.

**I A. B. Do abjure and renounce the Popes Supremacy and Authority over the Catholike Church in generall, and over myself in particular; and I doe beleive that there is not any Transubstantion in the Sacrament of the Lords supper, or in the Elements: of Bread and Wine; after Consecration thereof by any person whatsoever; and I do beleive that there is no purgatory; and that the Consecrated Host, Crucifixes, or Images ought not to be worshipped, neither that any worship is due unto them? and I also beleive that Salvation cannot be merited by workes, and all Doctrines in affirmation of the said points, I do abjure and renounce without any equivocation, mentall reservation, or secret evasion whatsoever, taking the words by me spoken, according to the common and usuall meaning of them. So help me God.**

1. Whether this Oath do not flatly contradict the known Laws of the Land, by enforcing a free-born English man to accuse himself, with so strong and dangerous a temptation to perjury, where the choice is only this, either forswear your Religion, or ruine your estate; a severity that far exceeds the tyranny of the Prelates, whose indignation stayed it self upon the exterior non-conformity, whereas this passes on to constrain the inward belief of the mind, which God (the searcher of all hearts) hath reserved to himself, and all this, in Questions no waies concerning either Idolatry, or the security of the State, as Purgatory, & the Doctrine of merits; for that conscience that is not wide enough to swallow all the Oath, how great soever the part is that he can digest, it will do him no good.

2. This Oath being wholly Negative, & no positive Articles established by the Parliament, to be proposed to all as the touchstone of Faith, whether it be conscientious



entious to oblige the Papist to swear away his own Religion, before we have provided another for him?

3. Whether it be conscientious or reasonable for us to enforce this Oath on the Papists, since we have many godly persons of our own party, who will not take it, and others who will not swear at all, Hear what is said in the *Examination* of the before-mentioned *Synodical Confession*, pag. 238. *There is a greater restraint laid upon us now than in the Old Testament. Mat. 5. 34. James 5. 12. which hath made some to shun Oaths, though called to swear by the Magistrate in matters lawfull. And again, that it is a sin in those, who impose unnecessary, subtil and ensnaring Oaths, Zach. 5. 3, 4. There is a curse gone out against swearers, as well as against thieves: because of needlesse swearing, as well as false swearing. a Land is made to mourn, Jer: 23. 10.*

4. Since all these Negatives are not clearly set down in Scripture, as Fundamental points of Christian Faith, but deduced from passages, to which the Answers are believed as probable by them, as the arguments by us, why should we so cruelly persecute one another for Doctrines, that are either obscurely revealed, or not necessarily enjoined.

5. How shall we defend the Oath against this Objection, that any Jew, Turk, or Infidel may take it lawfully, according to their principles, nay will delight to swear against so many points of that Church, which (by reason of their confining Territories) mainly opposes them; nor have we any Law at all (to my knowledge) for which Jew, Turk, Heathen, or the most grosse Heathenish Idolater is sequesterable, nor any penal Oath against the most extravagant blasphemies, that a loose wit can imagine, and a prophane tongue utter, as *Ranters*, *Antitrinitarians*, and the like? What can be more destructive to the very foundation of *Christianity*, than the prophane  
and

and scandalous blasphemies of Mr. Fry, a late Member of Parliament, who publickly in print not only denies, but derides that Supreme Myſtery of *Chriſtian Religio*, the ſacred *Trinity*, calling it a *chaffie and abſurd Opinion*, &c. yet the mercy of the Parliament contented it ſelf with a moderate and favourable puniſhment, excluding him only from ſitting amongſt them; and if his Dignity and publique Character had not rendered him obnoxious to the crime of ſcandal, he might perhaps have remained as free from trouble, as all the reſt of his Opinion do, who never yet have ſuffered the leaſt moleſtation for the greateſt exorbitances that can be deviſed.

In particular at the Quarter-Sessions at *weſtmiſter*, on the 24 of *June* 1651. there were five *Ranters* convented before Colonel *Baxter* and other Juſtices, and ſufficient proof, that they had maintained that one *Robins* a *Glaſier* was a *Prophet*, and that his wife was with child of the *Meffias*, with ſuch other blaſphemous ſtuffe: but four of theſe, not then abſolutely aſſerting theſe Opinions, nor yet denying them, but evading the ſeveral queſtions demanded of them by the Bench, were diſcharged, the fifth was committed (as he well deſerved) not for his Opinions, but for calling the Juſtices *Traitors*, &c. On the ſame day a Gentlewoman great with child, and ſome others, were alſo convented for a ſuppoſed hearing of *Maſſe*, on the day commonly called *Chriſtmas-day*, 1650. at the then *French-Agents* in *Long-Acre*; and though there was no direct proof that they were at *Maſſe*, but at *Mattins* or *Prayers* before *Maſſe*, yet Colonel *Baxter* did maintain againſt ſome other of the Juſtices, that *Mattins* and *Maſſe* was all one, and ſo the Gentlemen and the reſt were fined one hundred marks apeece, and ſent to priſon, according to the rigor of the Statute in that behalf formerly made;

made : The severity of which last proceeding , and the partiality of the first, needs no Comment.

Why must the *Papist* be thus singled out from all the rest, and peremptorily forced to this hard choice, of either forfeiting his estate, or forsaking his conscience ? If we fear their increase, we overvalue their Religion ; If we doubt their disturbing us, we undervalue our own strength ; abundantly sufficient are the means which God hath put into our hands, to secure our selves from a few disarmed *Papists* ; abundantly sufficient were this only provision, to exclude them from Offices of importance, and execute severe punishment upon such as should actually attempt any thing to the discomposure of the State.

Nor can such gentleness and moderation towards quiet Recusants, be justly accounted a toleration of them, because ( I conceive ) that word signifies an absolute equality in all civil respects betwixt Subjects of different judgements in Religion , else the present sufferings of *Papists*, paying their two thirds, might by the same frowardness be accused as a toleration, whereas the penalties indeed are altogether intolerable. Not to inflict the utmost severity of punishment, is not presently to be reputed an allowance of the crime : God himself suffers all the sins we commit , but approves none of them ; we our selves daily permit mischifs to avoid inconveniences, and for that reason we prohibit not *Massé* in the houses of Ambassadors, nor punish *Usury*, though the Statute it self, 13. *Eliz.* 8. brands it with the name of Vice, and most Divines hold it a detestable sin, expressly forbidden by the Law of God.

*A conscientious way of settling Religion  
proposed.*

**I**N the same place where God commands children to obey their parents, he forbids parents to provoke their children. *Ephes. 6.* And where he exacts fidelity in servants, he likewise requires moderation in Masters, nay more, the Text includes even bondmen and slaves, enjoining the Masters to *forbear threatening, knowing that their Master also is in Heaven, neither is there respect of persons with him;* thus clearly doth the word of God condemn as well harshness and cruelty in Governours, as stubbornness and treachery in Subjects: so that there is also a tenderness of conscience requisite on the Magistrates part, to proceed sincerely and purely for the good of the people, that he may truly say with the Apostle, *I seek not yours, but you,* 2 Cor. 12. 1. And again vers. 17. *Did I make a gain of you, by any of them whom I sent unto you?* in which two lines we are plainly advertised of the chief danger which Superiours ought carefully to avoid, that neither themselves, nor their under Officers make a profit of mens consciences concerning matters of Religion.

Since therefore the onely tolerable design of the Corrector in such cases is the benefit of the sufferer, it necessarily follows, that before we can with the least colour of justice inflict a penalty upon any different profession, we ought to use all means possible to recover them to truth; and therefore our first work should be to collect a body of positive Articles, evidently contained in Gods Word, and absolutely necessary to mans salvation, it being very improper, to pen the publike form of Faith in the Negative, be-  
cause

cause my believing Christian truths makes me a Christian, and not my dis-believing the errors that oppose it, else he that beleeves nothing at all would be the best Christian.

In order to which collection, the most religious way is, that every one that will modestly, may safely propose and discuss those difficulties he meets with in Gods Word, and if after all possible diligences of study, meditation and prayer, no satisfaction or union follow in any point, it is an evident sign the question is either obscure or unnecessary, and then provide for the peace of the Commonwealth, and submit the rest to the pleasure of God.

When we have agreed upon a summary of belief, according to these three conditions, *Positive, evident, and fundamentall*, (with which the Creed, commonly called the Apostles, suits best of any I ever saw) then ought the Magistrates hold forth in the spirit of love and meeknesse, those so clear, and important verities, and if any shall be found dissenting (which I am confident will be very few) let us follow the Apostles rule in punishing, a gentle one it is indeed, but powerfull, to Thes. 3. 6. *withdraw from such a one, that he may be ashamed,* and verse 15. *Esteem him not an enemy, but correct him as a Brother, at worst, rebuke him sharply.* Tit 1. 13. *and after the first and second admonition reject him,* Tit. 3. 10. that is, leave him to the hardnesse of heart: if his Conscience grow tender, it will check; if obdurate he will soon break out into leudnesse, and then be justly punishable by the law, as other criminall Malefactors, only we must be carefull not to anticipate his condemnation before he be legally convinced of some actuall offence against the publick repose

If we suspect the disaffection of any Party, as the Papists, let us first make it their interest to love their Country, by treating them at least mercifully in it, and then we shall have a fair tryall of their fidelity; I do not know one example, where, to a Prince or State that used them well, they have shown themselves ungratefull.

And though it be the duty of every Christian to love his enemy, and do good to those that persecute him, yet surely it is a *hard saying*, and the most sincere professors of any Religion whatsoever find difficulty enough to observe it; even *Protestants* as well as *Papists* know how to fall out with those Magistrates that oppress them, else how shall we excuse the civil Wars of *France*, *Germany*, *Holland*, &c. if we have not recourse to the harsh usage of their Superiours; nor need we seek the reason of these disorders amongst the articles of any parties Religion, when by the instinct of Nature, not only man, but even the most trivial creature that seems to have no interest in the world, attends with diligence to the preservation of of it self; who can blame the humble worm that whilst we walk fairly by, it prostrates it self before us, and lowly creeps upon the ground, if when we tread upon it, it lift his head, and strive to wring it self from under our cruell feet? Notably to this purpose is the old example of the *Privernates* an ancient people of *Italy*, who having rebell'd against the Common-wealth of *Rome*, and being almost quite reduced by force of Armes they dispatch their Embassadors for terms of peace; the Senate sternly ask them, *what new peace they could expect, who had so insolently infringed the old?* To which they stoutly answered, *we must now take such conditions as you please to give; if they be moderate, you shall find us faithfull; if too heavy, we shall observe them only till we may safely*



*safely break them*: Which free and generous expression induced that wise Senate to assign them their own demands. This so full and pregnant instance I humbly offer, as most worthy the imitation of our *English* Senate, that even to *Refusants*, who ingage to live innocently and quietly amongst us, such reasonable conditions of subsistence may be allowed (since they are equally with our selves born to the freedom of this Nation) as their consciences be not violated, their spirits inbittered, nor humane infirmity tempted to despair; let us rather encourage them to come to our meetings, and freely propose their difficulties, which now they dare not, for fear of discovering their judgments, to the ruine of their estates. Let us use the same gentlenesse here in *England*, that his Excellency the *Lord General* practises in *Scotland*, towards those that are not only otherwise minded in Religion, but *contrary minded* in civil concerns, and actually in arms to maintain their opposition; he invites them to conferences, and himselfe with admirable temper and moderation manages the discourse, allowing free liberty of reply to the adverse party, without passion, bitterness, or threatening, and though he find not the event answerable to his endeavours, remains at least satisfied in his conscience, by having given a reason of his actions; and whom can we better imitate, then so great an instrument of the liberty wee all enjoy? or wherein can we follow him with so much praise both of God and man, as in the mildnesse of his spirit, by which he conquers more powerfully, than by the sharpnesse of his Sword? have not the *Papists* understandings as well as we, which our arguments may rectifie? have they not souls to save, which our charity may gain to heaven? why do we not erect a Committee to purchase Souls, as we have

Con.

contractors to sell lands? why is there not established a Committee of *Salvation*, as well as of *Indemnity*, where the questions of Religion may be freely discusst, and the distressed of a tender and innocent Conscience impartially relieved? if men dealt mildly, and only by the Gospell way of perswasion, surely there would in time grow society, Commerce, and mutuall confidence, and so frequent opportunities of clearer information; when once all jealousies and misunderstandings of one another shall be laid aside, the differences amongst Christians will soon be reconciled, if not to an absolute and precise unity of Faith and Doctrine, yet at least to a blessed union of peace and love.

Oh how much better and more admirably divine is the gentle method of the Christian, how to propagate it self in *plain evidence of the spirit*, then the unnaturall Turkish cruelty, of taking children from their parents, or the unworthy *Machiavilian* policy of taking the inheritance from the children! or lastly, which is worse than either, the barbarous Hethenish tyranny of shedding of blood, and tearing limb from limb meerly upon the account of Religion.

Nor can I find any satisfaction in that shuffling and hypocriticall distinction, invented by the Lawyers to deceive the common people, whose simplicity and innocency they easily beguile, by pretending that none are executed for Religion, but for offending against the Laws? what can be more palpably false, or devilishly malicious then this? who does not see, but by this rule those bloody tyrants, *Nero*, *Dioclesian*, and the rest of the ten infamous persecutors, must be canonized for good and conscientious justicers, because they judged according to Law? who does not see that by this rule those

glorious

glorious Martyrs, who watered the Christian Faith with their pretious blood, must be accounted traytors because they suffered according to Law? nay even the cursed Iews, who crucified our blessed Saviour, impiously alleged the selfsame reason for themselves, *we have a Law, and by that Law he ought to dye*, Ioh. 19. 7.

Nor can I forbear to confesse how extremely unwelcome that scurvy news was to me, of one *wright* a Jesuite, being drawn to Tyburn as a Traytor upon a hurdle for his Religion, on the 19 of May 1651. because I had so often commended the moderation of the present authority, as having never spilt one drop of blood for Religion: and though the *Sequestrations* of all peaceable *Recusants* were flatly against our Maximes, yet the pressing necessities of the State, & their purpose (which I alwaies believed) of taking away all penalties upon the conscience, after a short time, when the Government should be a little better settled, exceedingly qualified the harshnesse of those pecuniary severities; but now with grief I must lay down my arms, and with shame revoke all my arguments which I have hitherto used, to lessen the injustice of our sequestering for conscience, and pacifie the ruines of many welaffected and religious persons, who highly disliked even that *Soul-money*, as King *James* used to call it; wherein as I have had no small successe, so now I cannot with a safe conscience endeavour any more, lest I should co-operate to deceive the people; *Sequestrations* I confesse did shrewdly crack, but this killing has broken quite in pieces all our Principles. Against what have we principally fought all this while, but coercencie in religion? For what have we made so many tedious Marches, and Declarations, but *Liberty of tender Consciences*? Is this to hold forth the truth

*in love? Is this to instruct in meeknesse, as becomes the servants of the Lord? let us take heed how we fall into the hands of the living God, let us alwayes remember that voice speaking within us, They shall be judged without mercy, that have shewed no mercy.*

Besides the sharpnesse of the sentence, the very Trial (as I am informed) had many singular and unusuall passages, as that nothing was proved against the Prisoner, but that a great many years ago he had said *Masse* in *Flanders*, and this only by one Witnesse, and one who in open *Sessions* professed a particular pique and quarrel towards him, alleging an old grudge as one of the reasons why he came up out of the Country to swear against him, no disturbance of the publike repose, nor so much as the least breach of peace laid to his charge, but only his being a *Priest*, and in *England*: And that this was his only crime, is unquestionably clear by the *Ministers* charitable offer at the *Gallows*, *There was yet time enough for him to save his life, if he would renounce his Religion, and become a Protestant*, which he resolutely denying, as against his conscience, was first hanged amongst the Thieves and Murderers, and then quartered as a *Traitor*; and yet both Sheriff, Jury, Judge, and every one that cooperated to the execution, all seriously professing that nothing is so dear to them, nothing so reasonable in it self, as incoercencie in matters concerning the salvation of our souls. I pray God we be not too guilty of having a form of godlinesse, but denying the power thereof. I pray God these severe & unchristianlike proceedings (especially this last of blood) so displeasing to the Spectators, and unprofitable to the Authors) become not in time a prejudice to our Brethren beyond the Seas, a discontenting

our friends at home, and a scandal to all the world; for that very day of the Priests execution I overheard a nimble-witted man say these words, *Since we are come to this passe, that we can fight against the Covenant for Reformation of the Kirk; sequester men for Recusants, and continue their Sequestrations; whether they continue their Recusancy or no; make a close peace with Spain; and openly hang up Jesuites,*  
 SIT ANIMA MEA CUM PHILOSOPHIS.

Surely it were far better to let the Papists for a while practise their kind of Christianity, than upon a sudden deprive them of the only Religion to which they are accustomed, and so indanger the driving of them to *Atheism*, instead of reducing them to *Protestancy*.

Besides, how easily may the like severity be exercised against our selves, if any Power disaffected to godlinesse should gain authority over us? It is but training the word *Recusant* a little above the common note, it is but making our holy Conferences Treason by Statute, and then all the precious Saints and dearest servants of the Lord, may be hang'd, drawn and quarter'd by Law, and yet at the same time our Executioners may professe (as seriously as we now seem to doe) Liberty of Conscience; only they will think it reasonable to be their own interpreters, and consequently intend by this charming sound of Liberty, an absolute and uncontrollable freedom indeed, but to be enjoyed by none but themselves. How do the Papists themselves in *France* outgoe us in their tender and moderate behaviour towards the Protestants of their Country, notwithstanding former provocations to violence in the last Civil Wars? nay notwithstanding present provocations by our severity against all

of their profession in *England*, they dispute openly and frequently together, not only the Clergy, but Tradesmen one with another; at many of which conferences I have been present in *Paris*, where every one freely defended his own Opinion, so civilly and peaceably, that I never returned from the place of those discourses, without exceeding comfort and satisfaction, thinking often with my self, it were a fashion as worthy to be transported into *England*, as any our Gallants bring from thence.

At the end of the Dispute, (which is not upon any solemn challenge, but casuall, though very often) if either party seem unsatisfied, his liberty is inviolably preserved, without seizing upon a penny of his Estate (which there is accounted but a politique covetousness) or touching so much as a hair of his head, (not to speak of spilling his blood for a different opinion) which they detest as a most abominable cruelty, but with a courteous friendliness and mutual compassion, part in as perfect charity as they met, each hoping and praying for the others conversion; in the mean while the King allows a certain number of publike Churches to *Protestants*, and as much liberty in private for the exercise of their Consciencs, as any disagreement from the common belief of the State can reasonably desire.

Nay, even the *Spanish* Inquisition (so universally abhorr'd) practises all imaginable means towards the accused, to reduce his judgement to theirs, before they pronounce theirs against him; and upon conformity immediately acquit him; whereas our Conscience-sequestrations are laid on without any disputing, and hardly taken off upon never so much conforming; which very thing I have heard some *Presbyterians* object to us, though themselves



selves made the Abjuring Oath on purpose to pinch the Papist, yet they said it was intended only for times of War, when all other wayes, either of convincing by reasons, or convicting by Law, were obstructed.

And, proceeding upon the same subject, they alleged divers Papists by name, who have not only gone to Church, but taken both the *Communion*, Oath of *Abjuration* and *Engagement*, and all this undeniably proved by sufficient Testimony, yet after solemn debate upon their Petitions in *Haberdashers-Hall* to be no longer punished, since they were no longer guilty, the Commissioners declared that it was not express in any Act or Instructions from the present Parliament, what should amount unto, or be adjudged by them to be a Conformity, and therefore they continue the sequestrations as formerly, notwithstanding such conformity as aforesaid; In particular, on Wednesday the second of July, 1651. It was the case (sayes my Presbyterian friend) of one Smith a suspected Papist, who had Lands in the Soke of Winchester sequestred; upon his appeal at *Haberdashers-Hall*, he produced sufficient proof that he had been several Lordes dayes at Church, and had twice taken the Oath of *Abjuration*, but one of the Commissioners made answer, that this was not enough, he must also take the *Communion*, otherwise must continue sequestred as a Papist; whereto Smiths Council replied, That if it were a mark of Papists not to have received the *Communion*, we are (said he) all Papists in our Parish, for we have had no *Communion* in our Church these four years; And 'tis very probable that that very Commissioner who made this objection, hath not of late, and perhaps will not receive the *Communion* in manner as is prescribed by the Statute; and certain-

ly it is a very sad case for us to force others, under so great a penalty, as the Sequestration of their Estates, to do that which we will not do our selves: all the relief and hopes that *Smith* and others in his condition (who have both gone to Church, and taken the *Communion*, and Oath of *Abjuration*) have received at the said Hall, is, that the said Commissioners have promised to move the Parliament, to know what shall amount unto a Conformity; and it might also be desired, to know what Religion the Papists (in case they be forced to leave their own) shall conform unto, since we have three severall Religions, that at present seems to have an equall power or influence; the Prelaticall or old Protestants (as some call it) is establishd by law; the Presbyterian carries the vogue in the Pulpit; but the Independent has the power and Countenance of the State. Certainly the abovesaid strange proceedings must needs appear, both to all reformed Churches abroad, and to very many conscientious people at home, as favouring of a design to make sure of the Papists estates, whatsoever becomes of their souls.

And all this while we hold forth meeknesse, and all this while we cry up *Liberty of Conscience*! Is it possible we should so far forget our principles, as to seize the estates of our neighbours and kindred for Religion, and at the same time profess to venture all our own, to purchase freedom of Religion? Is it possible we should expose our own lives in so long and dangerous a War, to establish and secure *Liberty of Conscience*; and at the same instant of time, hang, draw, and quarter men for their Consciences? how shall we answer at the day of Iudgment, our shedding so much blood to deliver our Country from emergency in matters of belief, if as soon as the power

is in our hands, we imbrue them in the blood of our Countrymen meerly for their Religion? have we so soon forgot those sharp reproofs of the Apostle, Rom. 2. Behold you are called Jews, and rest in the Law, and make your boast of God, you know his will, and approve the things that are more excellent, you are confident that your selves are guides of the blind, and lights to them that are in darknesse, instructors of the foolish, and teachers of Babes, who have the form of knowledge and of truth in the Law; you therefore who teach another, teach you not your selves? you that preach a man should not steal, do you steal? you that abhor Idols, do you commit sacrilege? In the day when God shall judge the secrets of men by Iesus Christ, how can we answer that excellent and self-evident precept of nature, Do as you would be done unto? God is not mocked; he promises indeed, that the meek shall inherit the Land, but surely means not such as seem meek only to inherit the Land.

Thus sharply went on my angry Presbyterian, and I confesse I was extremely ashamed to hear him say so much reason, that used to speak nothing but passion, and to see my self so confounded by one, that I have alwaies overcome with ease upon any other subject, and should have liked far better his observations (which with grief I acknowledge to be too true and open to all the World) if they had come from an indifferent and unfactionous spirit, because I suspect they may perhaps proceed rather from envy towards the gainers than pity upon the losers: for during the violent, and therefore short, dominion of the Presbyterians, never were more cruel torturers of the Conscience than they, never a more tyrannical Tribunal than their *Iure divino* Assembly, and classical High-commission; but the hand of the Lord stoppt them in their full carriere, and by wofull experience

they now find the truth of Gods threatnings,  
*If you bite and devour one another, take heed you be not  
 consumed one of another, Gal. 5. 15.*

Wherefore it shall be my dayly prayer to our great  
 and good God, that he would graciously inspire his  
 servants, who now sit at the Helm, to prevent the  
 like heavy judgments upon themselves, and seri-  
 ously considering that both their allegiance to Rea-  
 son, their duty to God, their Engagement to their  
 own Principles, call so loudly upon them, they  
 would *fulfill now our joy*, and compleat the good  
 worke so happily begun, by putting the tender-  
 conscienced and peaceable-minded people of this  
 Nation into a condition of perfect security for mat-  
 ters of Religion, which cannot be effected without  
 a generall Act of Conscience-indempnity, firmly to  
 be established as a fundamentall Law of the Land,  
 for all that professe the Gospell of Christ.

## *Postscript.*

**S**INCE there is scarce one whom something  
 in these few sheets will not please, nor very  
 many whom something will not displease;  
 they therefore freely submit themselves, not  
 only to the Iudgment of the Civil Magistrate,  
 but of every civill man; and I have (ac-  
 cording to the Order of Parliament) hereunto  
 subscribed my name,

*William Birchley*



## Persecution for Religion condemned, &c.

**I**N the precedent part of this Discourse, I have demonstrated ( according to that light which the *Lord Christ* hath infused into my Soul ) how much coercency in Religion is repugnant to the Law of Nature, and by many evident and unanswerable Texts of Scripture, shewed, how displeasing it is to God, how improper to advance the power of godlinesse, and how extremely disagreeable to the sweet Spirit, which guided our *Lord Iesus* in the propagation of his Gospel. And after in the same little treatise I proceed to prove (by the expresse words of the Parliaments and Armies Declarations ) that the great Principle wherein we glory, & which we have so long fought to establish, is a perfect Gospel-freedom, & absolute deliverance of the Conscience from all Tyranny and Oppression.

Which Discourse as I composed in all humbleness of spirit, and afterwards offered to the gracious Redeemer of our Souls, who gave me the strength and power to finish it to his glory: So I find not only my self (for  
which

which I humbly thank the bounty of my God ) confirmed in my former judgement, but others in some measure convinced in theirs, of the unreasonablenesse and sinne of Conscience-Persecution.

Concerning which pious and modest temper of mutuall forbearance, I shall only add to what I have mentioned in the former part, this plain and familiar Observation, That as the surest marke of a tender conscience in our selves, is a tender spirit to others, so the most infallible sign of a hard & stony heart in our own breasts is, when we slit in pieces and shipwracke the Consciences of all that touch upon us: But praised for ever be the Name of our God who still proceeds to guide and illuminate his Chosen, graciously disposing them neither to presume upon themselves for their knowledge, nor be cruell against others for their ignorance, but humbly adore and wait upon the Divine Providence in the disposure of all things: which fills my soul with exceeding joy when I consider it to be the generall sense of all the truly Godly and well-affect-ed in this Nation, that no quiet and peaceable Christian be deprived of the cheif content and comfort of this life, which certainly consists in a reall and impartiall, yet unoffensive, liberty to serve his God according to his conscience. Many Petitions I could here cite in affirmance of this Truth, from severall Provinces of this Land: but I shall trouble the Reader onely with these two, the first was presented to the Parliament upon the six and twentieth of *March* 1649. from the County of *Leicester*, wherein, though I were none of the subscribers, yet I did



did both by my self and friends, promote in what I could, as conceiving the requests of it, both just and reasonable: it bore this Title,

*The humble Petition of divers wel-affected of the County of Leicester, in behalf of themselves and the Nation.*

**A**Nd the seventh Article or Branch of the Petition was this. 7. *That every one may enjoy the just freedoms to worship God according to his word, without any Coercive or Restrictive courses to the contrary.*

The Petition being read, the Gentlemen that presented it were called in, and Master Speaker, by Order of the House, gave them hearty thanks, &c.

And on the 2 of April following, a like Petition was presented, entituled, *The humble Petition and Representation of severall Churches of God in London, commonly, though falsely, called Anabaptists*, which was also graciously accepted by the House, according to the Merit of so conscientious a suit, and the justice of so glorious a Parliament.

At which time we happily began to shake off that intollerable burthen of *Isaiah*, the Presbyterian government, which has bin since in a good measure effected, through the blessing of the Lord Christ, and pious care of his instruments, the Governours of this Commonwealth.

Insomuch as no persons of what society or persuasion soever in this Nation, are at present per-

persecuted for their Conscience onely, or difference in outward worship, but the Papists, whom I am therefore (according to that Principle of charity which absolutely commands my spirit,) obliged to make the chief subject of this discourse.

In order to which performance, I have (since the writing of my former sheets) often waited upon God in humility of spirit, and endeavored to inform my self, as much as I could of the truth, and particular manner of their sufferings, and to that end have sometimes purposely attended at Haberdashers hall to hear their Cases pleaded, where though I suffered some persecution from the croud & noyse of that place, yet far more was the greif of my mind to behold so many distressed suters, whose Countenances were made sad by the fear of a fatall Order for their impoverishment.

But before I proceed to any of those particulars, I must (at least in my own judgement) clear the Papists of obstinacy and non-submission to the present government, wherewith they were by some accused, as a sufficient ground of all their punishment; from which imputation I shall easily deliver them by transcribing a Copy of their Petition, which they have with much diligence and humble importunity, addressed to very many members of Parliament, professing to wait onely the happiness of an opportunity to present it to the House, and being a Paper at least 5 or 6 moneths old, and delivered to so many persons, with whom I have the honour to be acquainted, It fell by chance into my hands, having I confesse of late entertain-

and a particular delight and recreation to passe  
some part of my time in such curiosities.

To the Supreme Authority of this  
Nation, the Parliament of the  
Common-wealth of  
E N G L A N D.

The humble Petition of the Ro-  
man Catholikes,

Sheweth,

That your Petitioners have long waited some  
happy leisure, when there might be a hear-  
ing allowed them of their many sad pressures, the  
weight whereof hath sunk them so ruinously low,  
that they are utterly disabled to discharge their  
many debts, make the least provision for their  
children, or relieve themselves; reduced to  
extreme necessities.

That even such of your petitioners, as are se-  
questred for delinquency, have still comforted  
their sorrowes with this hope, that at  
last they should certainly be received to mercy;  
since the generall V O T E S for composition of  
the 17. of MARCH 1648. seem clearly to imply  
them capable thereof, when the Rules concern-  
ing them should be agreed upon.

That now the wisdom of the Parliament ap-  
plying it self to establish the people of this Com-  
mon-wealth in a quiet and settled condition, your  
Petitioners take up an humble confidence that  
they

they alone shall not be excluded from so universal a benefit

And therefore humbly pray, that the Laws, & proceedings concerning them may be taken into consideration, and such clemency and compassion used towards them by composition or otherwise, as in the judgment of this honorable House may consist with the public peace, and your Petitioners comfortable living in their native Country.

And they further humbly pray, that it would please the Parliament to vouchsafe them the permission of clearing their Religion from whatsoever may be inconsistent with Government, which will assuredly be done to full satisfaction, if there may be a Committee appointed, by this honorable House on whom they may have the Privilege to attend;

And your Petitioners shall ever pray,

**T**his to my sense beares it self with so much respect and submissiveness in the style, that it can no ways be interpreted recommending the duty of good and peaceable subjects; and for the matter of the Petition, it seems to any eye so reasonable, that I cannot believe, but after a little patience, till other more generall affairs afford the Parliament leisure, it will certainly receive a satisfactory and relieving Answer; Especially since not only such Papists, whose moderate delinquency leaves them some hope of mercy, nor such who for preservation of their lives, were forced to fly into the late Kings Garrisons without ever ac-

ting

ing any thing against the State; but even the most innocent, who all this while have sat still under so many pressures, and never were charged with other accusation, than their Religion, yet all freely and humbly submit in this Petition to the absolute pleasure of the Parliament for rules of Composition, and this (as to the single Papist) for an offence, which in no other Society of Christians in this Nation is accounted any crime at all; being meerly their different judgment in Religion; a proceeding wherein certainly wee shall use too much severity, and partiality, if we make it not only unpardonable, but unredeemable.

In the close of their Petition they humbly beg the favour of an opportunity to satisfy the Parliament in the point of consistency with *Civil Government*, which being the chief Objection that (without passion) can be made against them, surely we should not take offence, at their most diligent applications, and utmost endeavours, to deliver themselves from so destructive a charge, laid upon their Religion.

And as a further evidence of their readinesse and earnest desires to perform that which their Petition offers, I am informed divers of considerable quality amongst them were then in town unanimously agreed upon this following *Explanation*, to declare and witnesse to the world the perfect consistency of their Religion, both with *Civil Government*, and civill society, joyning also in the same Paper, the like expressions of their Belief concerning some few other points which they were informed to be more obnoxious to exception, than the rest; As the undervaluing

living of holy Scripture, and over-valuing the authority of the Church: Invocation of Saints and Angels, and worship of Images; and above all, the proud opinion of Merits: This Paper they drew up as a preparatory to a more full and perfect clearing of their Faith from those prejudices and misunderstandings, which ordinarily men of different persuasion entertain, especially in Controversies about matters of Religion.

*The Paper; containing certain Doctrines of the Papists, and by them delivered to divers persons of quality for their particular satisfaction.*

I  
2 Pet. 3. 16.

**W**E believe the holy Scriptures to be of divine inspiration and infallible Authority; and whatsoever is therein contained we firmly assent unto, as to the word of God, the Author of all Truth.

But since in the holy Scriptures there are some things hard to be understood, which the ignorant and unstable wrest to their own destruction; we therefore profess (for the ending of controversies in our Religion, and settling of peace in our Consciences) to submit our private judgments to the Judgment of the Church, represented in a free Generall Council.

II  
2 Tim. 1.  
17.

2. we humbly believe the sacred Mystery of the Blessed Trinity, one Eternal, Almighty and Incomprehensible God, whom only, we adore and worship, as alone having Sovereign Dominion over all things, to whom only we acknowledge



knowledge as due from men and Angels, all glory, service, and obedience; abhorring from our hearts, as a most detestable Sacrilege, to give our Creators honour to any creature whatsoever.

And therefore we solemnly protest, that by the prayers we addresse to Angels and Saints, we intend no other than humbly to sollicite their assistance before the Throne of God, as we desire the prayers of one another here upon earth, not that we hope any thing from them, as original Authors thereof, but from God the Fountain of all Goodnesse, through Jesus Christ, our only Mediator and Redeemer.

Neither doe we believe any divinity or verue to be in Images, for which they ought to be worship'd, as the Gentiles did their Idols, but we retain them with due and decent respect in our Churches, as instruments, which we find by experience, do often assist our memories, and excite our affections.

3. we firmly believe, that no force of nature, nor dignity of our best works, can merit our Justification, but we are justified freely by grace, through the Redemption that is in Jesus Christ.

III  
Rom. 3. 24

And although we should by the grace of God persevere unto the end in a godly life, and holy obedience to the Commandements, yet are our hopes of eternall glory still built upon the mercy of God, and the merits of Christ Jesus.

All other merits, (according to our sense of that word) signifie no more, than Actions done by the assistance of Gods grace, to which it has pleased his goodnesse to promise a reward; a Da-

Erine so far from being unsuitable to the sense of  
 the holy Scriptures, that it is their principal design  
 to invite and provoke us to a diligent observance  
 of the Commandements, by promising heaven  
 as the reward of our obedience, 1 Tim. 4. 8. God-  
 lineſſe is profitable to all things, having the pro-  
 miſe of this life, and of that which is to come,  
 And, Rom. 2. 6. God will render to every man  
 according to his deeds, to them, who by patient  
 confidence in well-doing ſeek for glory, and ho-  
 nor, and immortalitie, eternall life. And again,  
 Rom. 8. 13. If you live after the fleſh, you ſhall  
 die, but if through the ſpirit you mortifie the  
 deeds of the body, you ſhall live. And Heb.  
 6. 10. God is not unjuſt to forget your work and  
 labour of love, which you have ſhewed for his  
 name, &c. Nothing being ſo frequently repeated  
 in the word of God, as his gracious promiſes to  
 recompence with everlaſting glory the faith and  
 obedience of his ſervants; Nor is the bounty of  
 God barely according to our works, but high and  
 Luk. 6. 38. plentifull, even beyond our capacities, giving full  
 meaſure, heaped up, preſſed down, and run-  
 ning over into the boſomes of all that love  
 him.

Thus we believe the merit or rewardableneſſe  
 of holy living (both which ſignifie the ſame  
 thing with us) ariſes not from the ſelf-valui  
 even of our beſt actions, as they are ours, but  
 Luk. 17. from the Grace and Bounty of God; and for our  
 10. ſelves, we ſincerely profeſſe, when we have done  
 all thoſe things which are commanded us, we are  
 unprofi able ſervants, having done nothing but  
 that which was our duty; So that our boa-  
 ſting is not in our ſelves, but all our glorying is  
 in Chriſt.

4. we firmly believe, and highly reverence the Moral Law, being so solemnly delivered to Mo-  
 ses upon the Mount, so expressly confirmed by our  
 Saviour in the Gospel, and containing in it self so  
 perfect an Abridgement of our whole duty both to  
 God and man.

IV

Exod. 20.

Mar. 19.

Eccles. 12.

13.

which Moral Law we believe obliges all men  
 to proceed with faithfulness and sincerity in their  
 mutual contracts one towards another; and  
 therefore our constant profession is, that we are  
 most strictly and absolutely bound to the exact &  
 entire performance of our promises, made to any  
 person of what Religion soever; much more to the  
 Magistrates and Civil Powers, under whose pro-  
 tection we live, whom we are taught by the word  
 of God, to obey, not only for fear, but conscience  
 sake; and to whom we will most faithfully ob-  
 serve our promises of duty and obedience, not-  
 withstanding any dispensation, absolution, or o-  
 ther proceedings of any forein Power or Autho-  
 rity whatsoever.

wherefore we utterly deny and renounce that  
 false and scandalous Position, that Faith is not  
 to be kept with Hereticks, as most uncharita-  
 bly imputed to our practices, and most unjustly  
 pinned upon our Religion.

These we sincerely and solemnly profess,  
 as in the sight of God, the searcher of all  
 hearts, taking the words plainly and  
 simply, in their usuall and familiar  
 sense, without any Equivocation or  
 Mentall Reservation whatsoever.

These expressions, concerning four of the  
 most offensive points wherein the Papists  
 differ

differ from us, have I confesse given me a great and unexpected satisfaction; And though I remain in the same mind as to the erroneouſneſſe of many of their Tenets, yet I ſee we may eaſily be too paſſionate in the *degree* of deteſting any different opinion, ſince every error is not preſently to be cenſured as an *unſufferable* abomination; and too ſevere in the *degree* of perſecuting the diſſenters from our own judgements, as if they were unworthy to breath the ſame ayr with our ſelves.

Certainly, many Proteſtants, who quietly enjoy a juſt and unmoleſted freedom, approach very neer to the firſt aſſertion of the Papiſts, whiſt ſome both Writers and Diſcourſers, profeſſe to ſubmit their private judgements unappealably to a truly-free Generall Council, that we might once have an end of all ſtrife and contention about matters of Religion; others refer themſelves without further inſtance to a Provinciall Aſſembly of Divines, and very few but will prefer the judgment of the ſupreme Authority of this Nation, before their own particular ſenſe, readily conforming to that Declaration, which the Parliament ſhall hold forth to be the true meaning of the Scripture: So that almoſt every one agrees in the acknowledgment of an external Authority to decide ſuch Controverſies as ariſe out of the different interpretation of Gods word, which is the main exception againſt the Papiſts, in that they pin their Faith upon the Churches ſleeve, and yield a blind obedience (that is without appealing any further) to her determinations.

And for the second branch, I am sure many Protestants continue still those old customs of baring their heads when they come into a Church, nay of bowing at the name of *Iesus*; Practices that ly open to the greatest part of those objections; which our more godly and conscientious penms make against the Papists in the question of Pictures; yet I hope there will never be the least thought entertained of imposing penalties upon the private and unscandalous use of any such Ceremonies: rather let us apply our endeavours to open their eyes with a mild and gentle hand, than beat them out with the club-sift of the Law.

But when I reflect upon the third conclusion in the Recusants paper, I am astonished to consider how education with a little mixture of Passion or interest, makes every slight distemper amongst Christians so desperate, that it often becomes irrecoverable, and endangers both the health and life of Christianity. Surely in many things we strangely mistake one another. I profess sincerely, I should be so far from seizing on the Estate of a Papist for refusing that part of the Oath of *Abjuration*, wherein he is compelled to renounce the Doctrine of Merits, that I am resolved to suffer a thousand deaths, rather than abjure so great and manifest a truth, according to the sense wherein they explain themselves, or affirm so great and manifest an Error, according to the sense wherein we explain our selves. For when we censure the doctrine of Merits, we understand by that word, our Deserts, as they exclude the merits of Christ, and abstracting from the

Covenant God hath been pleased to make with us in his Son, and in that sense we justly condemn all opinions of Merit, even of the best works, as presumptuous and Luciferian; but I now see when the Papists affirm that good works are meritorious, they include both the promise of God, and the merits of *Christ Iesus*, and in effect when all is summed up, it amounts only to this; that God hath graciously promised, and will faithfully keep his word, to reward all those with eternall life that believe in him, and obey his commandements. In this sense the Papists hold mercifullnesse to be meritorious, or awaylable to salvation, because the Scripture sayes, *Blessed are the mercifull, for they shall obtain mercy.* Mat. 5. 7. In this sense the Papists hold patience in affliction to be meritorious or awaylable to salvation, because the Scripture sayes, *Blessed are they who are persecuted for Righteousnesse sake, for theirs is the Kingdom of Heaven.* Mat. 5. 10. And this (as I am informed by very understanding men amongst them) is the reall truth of their Doctrine, concerning *Good works*, which in my judgment differs nothing from ours, but only in the unsavory & proud sounding word Merit.

The last Clause of the *Papists* Noat, which I have transcribed, is so full and satisfactory, that if they will be as good as their words, I shall neither fear to have such neighbors, or need any Magistrat fear to have such subjects.

And to prove their trustinesse and fidelty, in the observance of their Oathes, I cannot imagin a more evident demonstration, than that they make a conscience of what Oathes they take; he that swears any thing without



distinction, may justly be suspected to be as false to men, as he is fearless of God, whereas no clearer argument can be alleged in the behalf of any, that they intend to keep all the Oathes they take, than this, that they will not take all the Oaths you offer; surely if either the *Pope* or their own *Consciences* could give them this extravagant privilege, to be bound by no Oath, they might without difficulty take any, and if they were allowed by their Religion to swear any thing, certainly they are all worse than mad, if they do not immediately post away to *Haberdashers-hall*, call for the Oath of Abjuration, swallow it down quickly without any chewing, and so save at least 50000 l. a year in a morning.

In the late Kings dayes, many *Papists* were smartly punished for not taking the Oath of *Allegiance*, none for observing it, nay I have heard some *Papist Delinquents* argue for themselves, that the utter ruine, which now endangers their whole estates, proceeds solely from their performing to the late King that service, which he called *Allegiance*, and this is yet a higher proof of their fidelity in their promises, since they adventured with so much hazard to keep that Oath in substance, which they refused with almost as much hazard to take, because against their Conscience in some circumstance.

And now let any one judge indifferently, whether they that firmly believe all the holy Scriptures of the old and new Testament, worship and adore only one God, rely upon Iesus Christ for their sole Mediator, and profess it their duty to observe the Commandments of the *Morall Law*, may not reasonably

bly be suffered to live in their native Country with the peaceable enjoyment of their Consciences in their private houses, especially those who will quietly submit to such cautions and restrictions, as the *Commonwealth* shall require for prevention of scandal, or disturbance of the publick peace.

Besides I am perswaded a farre lesse liberty will *oblige* the Papists, than *content* any other, because hitherto all liberty has been wholly denyed to them, and wholly allowed to every one else; So that they will gladly receive, as a mercy and favour, what others challenge as a right, and their affections being once purchased at so cheap a price, as a little private exercise of their Conscience, free from the fright and smart of penalties, I am confident they will neither be such fools, as to forfeit their liberty, nor so ungratefull as to forget them that gave it; since out of all our Histories not one example can be assigned, that they ever offered to move the least sedition, in a time when they enjoyed but half the liberties of free-born English-men.

Therefore I shall close my thoughts upon this paper, with a short and free conclusion, which I conceive abridges in few words the whole difficulty betwixt subject and superior; The Magistrate that protects any sort of people in his dominions, may justly require their service, and safely rely upon their obedience, but if he persecute them, whether *Protestants* or *Papists*, he will soon find, that, as he may violently force their compliance, he can never prudently rest upon their affections.

But I must here beg leave to be dispenced with

with in my promise of ending this period, till I have added this observation, how many Modern Authors of good account amongst us, have positively held forth to the people (as an unquestionable truth) that the *Papists* by their principles, are not obliged to keep faith with *Hereticks*; and I must acknowledge I was once of the same opinion concerning them, principally relying upon the credit of Mr. *James Howell*, an ingenious traveller in most of the Popish Countries, which makes me the more wonder, that he should take such an erroneous opinion upon trust, and assert it in print near the end of his first part of *Dodona's Grove*, where he says, *That one of the Canons of the last great Council* (which must needs be the Council of *Trent*). was, that **HÆRETICIS NON EST TENENDA FIDES**; The esteem I had entertained of that Authors ingenuity permitted me not to acquiesce to some Recusants verball denyall of this assertion; but (for more ample satisfaction in this so important a point) I took the pains to peruse some of their best writers, and found them unanimously agree, that Faith is not only to be kept with *Hereticks*, but even with *Turks*, *Jews*, and *Infidells*, & that indispensably; neither could I find one tittle to that purpose in any Canon or Session of that last great Council, (as he calls it) but to the contrary; For both in the 15 and 18 Session, the Council says expressly, that *whosoever shall violate the least point of the Publick Faith, given for the security of all Protestants, that should repair to that Council, should be subject to those penalties*, **QUAS IURE DIVINO ET HUMANO AUT CONSUETUDINE HUIUSMODI**

IUSMODI SALVORUM CONDUCTUM VIOLATORES INCURRERE POSSUNT, ABSQUE OMNI EXCUSATIONE AUT QUIAVIS IN HAC PARTE CONTRADICTIONE. By which it evidently appears, that the Council supposed, as a thing known and certain, that whosoever should violate his faith promised to *Heretiques*, was not onely punishable by *Humane Laws*, but even by the *Divine Law* it self.

And certainly if it had been my unhappiness to have done any sort of Christians so much wrong in publique, my conscience (comming afterwards to be better inform'd) would oblige me to a publique reparation; for though we use no such *confession*, as the *Papists* practise, yet the Law of naturall reason binds us to a punctuall observance of restitution, as any *Papist* whatsoever, and that even to *Papists* themselves, when we do them any injury.

But for a small dispatch of this point concerning the *Papists* indispensible obligation of performing their promises, it was my fortune to light upon a book of one *Paul Layman* a German Jesuit, and an Author of great esteem amongst the *Casuits* (who treating of dispensations *lib. 2. tract. 3. cap. 12*) sets down these very words, DICO QUARTO, SI CATHOLICI CUM HÆRETICIS PUBLICUM FOEDUS INEANT, NON POTEST PER AUTHORITYATEM PONTIFICIAM SOLVI AUT RELAXARI; If *Catholicks* enter into any publick contract with *Hereticks*, it cannot be dissolved or dispensed with by the *Popes* power. And some few lines after;

after ; proceeding upon the same question, he pronounces down-right, **ABSOLUTE NEGARI DEBET ID** (viz. REMISSIONEM FOEDERIS, ) **A SUMMO PONTIFICE FIERI POSSE** ; *It ought absolutely to be denied, that it is in the Power of the Pope to ob- solve from such contracts.* And again, **FIDES PUBLICA HÆRETICIS DATA INVIO- LABILITER ET SINE ULLO DISPEN- SATIONIS REMEDIO SERVANDA EST QUAMDIU IPSI SERVARE PARATI SUNT** : *Publique Faith given to Hereticks ought inviolably and indispensably to be observed so long as they are ready to perform their part.* And concludes, that even *Jesuits*, as well as other *Doctors*, hold the Popes power to be limi- table, and not so Almighty as the World usu- ally believes concerning them. The same Doc- trine is repeated in the *Abridgment of Laymans book entituled Compendium Moralis Theologiae pauli Layman, folio 265.*

The Papists having given so much satisfac- tion by their Petition and other Paper, but much more by their submission to, and peaceable de- meanor in this Common-wealth, as it stands now, established ; I must appeal not only to the Parliament, and that great Instrument of our freedom my *L.G. Cromwell*, but to all conscienti- ous men whether these *Papists* may not reason- ably hope so much mercy, as nor to be by penalties debarred the private exercise of their Consciences, with their doors shut, and such other cautions and circumstances, as the State shall be pleased to ordain for Regulation of Soul-freedom ; since it is evident that Christian liberty may be law- fully governed, though it be also as evident that

it cannot lawfully be taken away, so that every peaceable spirit have liberty enough, and yet the licentious Liver not have too much.

Such moderate and orderly freedome might charitably be allowed to the quiet Papist from persons that afford far more advantages to far more dangerous enemies, the Scotch or rigid *Kirkists*, who have severall times engaged against us in open field, and by many plots and secret contrivements endeavoured (as much as in them lay) to subvert the present Government; yet after so many victories obtained against them & the reducing of the greatest part of their Country to the obedience of this State; *The Ministers* (as saies a letter the 21th of Febr. 1651, from an Officer of our Army at *Edenborough*) are violently bent their own way, and preach damnation to all Complyers with us in any thing.

And let any indifferent person read the strange proceedings of the Presbytery of *Aberden* against *Sir Alexander Irvin*, Lord of *Drum*, published in the *Diurnall*, 26 Jan. 1651, he will (I am confident) highly applaud that ingenious letter from an eminent Officer of our Army dated at *Edenborough*, the 21th of the same moneth, and published in the next weeks *Politicks*, which hath these very words. You would wonder to observe the strange Pride and proceedings of the kirk-Clergy, the ingredients of whose constitution admit of many more grains of gun-powder, than you shall find in any Jesuits in Christendome: so that if they be not closely look'd unto, they will set all on fire again.

And in an other letter dated 12th of April, 1652, from *Dalkeith* in Scotland, and printed



in the next weeks Diurnall, is this excellent observation; Believe it, all our other Enemies are same beasts to the bigb Presbyter, and yet with the winding and turning of a religious pretence and an artificial zeal against Heresie, he will like a tame snake (if not warily avoided) get into your bosome, &c.

Continually every week come still fresh and loud complaints from our friends and Officers in Scotland of the stubbornesse of a certain forward and resty party in that Nation.

Yet notwithstanding the pertinacy and malice of these Kirkists, such of them as have not appeared in actuall armes against us are so far from being sequestred, that many of them enjoy great places of honour and benefit under our Government. And (such is the States mercy towards them) that the Commissioners for settling the affiures of Scotland by their declaration of the 21 February, 1651, grounded upon the Declaration of the Parliament of the Common-wealth of England have exprest a particular regard and indulgence to the whole Nation; in these words. That such Ministers whose Consciences oblige them to wait upon God, in the Administration of spirituall ordinances, according to the Order of the Scottish Churches, with any that shall voluntarily joyn in the practice thereof, shall receive protection and encouragemens from all in authority, in their peaceable and unoffensive exercise of the same: as also others, who not being satisfied in Conscience to use that form, shall serve and worship God in other Gospell-way, and behave themselves peaceably and unoffensivel therein.

And we doe lastly declare, That all Merchants, Trades-

tradesmen and handicrafts men, not having in lands and goods above the cleer value of 500<sup>l</sup>. sterling, and all other persons not having in lands and goods above the cleer value of 200<sup>l</sup>. sterling (not being prisoners of war, or Souldiers of fortune in Commission) who shall in pursuance of the said Declaration live peaceably, and yeeld obedience to the Parliament of the Commonwealth of England exercised in Scotland, shall not onely be freed and discharged from all forfeitures and confiscations of their Estates, for any thing formerly done by them, in reference to the wars, but be received into the protection of the Parliament, and enjoy such liberties and immunities, as also such leases and grants of confiscated and forfeited lands, as upon consideration of their respective qualities and de,erts shalbe thought fit, &c.

In the first branch of this Declaration such a Conscience-security is held forth, as (according to my soul) ought not by the Laws of Christ be denyed to any peaceable Christian, and I extremely rejoyce in the spirit of our Governours, for so noble and charitable a proceeding; yet I plainly see, that they to whom this favour is allowed, are both different from us in the Principles of their Religion, and opposite to us in their Nationall affection; whereas a far lesser mercy is denyed to our own kindred and allies, to our own Country-men, born to the same freedom with our selves, who have in a much lesse measure offended in matters of hostility, nay divers of them not at all, who yet would be content, and thankfull for a small part of that favour, which the Parliament so bountifully bestows upon strangers.

By the second Branch very many of that Nation, who have bin in actuall armes against us, and perhaps wounded or slain our friends in open Batells, will receive an immunity (for 500l. Sterling is a great estate in Scotland;) Whereas many of our own Country, who never lifted up hand against us, have two parts of their estates with rigor sequestered, and that without so charitable a distinction, as to free the poorer sort, whose estates are of lesse value than 500l. For our merciless *Sequestrators* have tripartited even the day-laborers goods and very household-stuff, and taken away two Cowes, where the whole stock was but three.

*Passages observed upon Cases depending at Haberdashers-Hall.*

I Must confesse I had not so much time to spare as I could have wish'd, yet for some weeks I attended at *Haberdashers Hall* for better satisfaction: but to make a full discovery of all the proceedings there, is beyond the levell of my discourse: I will only promise in what I say, not to exceed the bounds of truth and modesty. The present *Commissioners*, for ought I could discern, are civill persons, and most of them apprehensive of others sufferings, but seem to say in many hard cases, that either their Instructions or Commission binds them up from being able to give relief, or the obligation to the *Oath* they take will not permit them to shew that tenderneffe and compassion, which otherwise (I am perswaded) their Consciences would carry

carry them forth to practise, since most of the  
 suters that come before them appear so mi-  
 serably ruined, that the very distressedness  
 of their condition is motive enough to incite  
 the Mercy of their Judges, especially, their  
 crime being onely the refusall of an *Oath*,  
 which they solemnly profess is against their  
 Consciences, and I am sure is against our  
 Laws; And truly, as often as I reflect upon  
 the strange severity of that *Oath*, my Soul  
 goes forth in pity towards them that are con-  
 cerned in it; since even their thoughts are  
 not free, but an absolute force laid upon the  
 most inward cogitations of their hearts, and  
 themselves compelled to condemn them-  
 selves by accusations wrested out of their  
 own mouthes.

Upon the ceasing of the former Commit-  
 tees Authority, these seven (who now sit  
 Judges of Delinquency and Sequestrations)  
 were impowered about 25 *January*, 1649,  
 since which time they and their sub-commis-  
 sioners in the severall Counties have made  
 many new discoveries both of Delinquents  
 and Papists estates, either not before seque-  
 stred, or not compounded for at the full va-  
 lue, but I observed that they who were se-  
 questred or had their rents or goods unduely  
 taken from them, in the time of the former  
 Committees for Sequestrations, how unjust-  
 ly soever, could not be releevd by these  
 Commissioners nor any other power but by  
 the Parliament it self.

It was the Case of Mr. *Robert Knightley* a  
 Recusant only, a great part of whose Man-  
 sion house in *Essex* was puld down to repair  
 the Fort at *Tilburie*, for which he petitioned

at *Haberdashers Hall* in *Decem.* 1651, to have satisfaction out of the 2. sequestred parts of his own lands there. But in regard it appeared to be done before *January* 1649, the present Commissioners answer was, *They had no power to releve him.*

And in all other Cases upon Appeals, where it appears, that rents have bin unduly received to the States use for 7 or 8 years last past, in wrong to the true owner of the lands; These Commissioners in such case make restitution onely from *January* 1649; And for money, goods, or personall estate unduly seized or sequestred before that time, they make no restitution at all.

This seemed strange to me; for by the same rule, if the present Commissioners should sequester half the lands and goods in *England* right or wrong, and then be displaced and new Commissioners established who have no power to review and consider the acts of their predecessors, in time we may all come to be sequestred, and yet be without appeal, except to the Parliament, who have too many publick obligations to spend their thoughts in particular businesses.

On the 11th of *February* 1651, there was heard the case of one *Mr. Parker* the Lord *Morleys* only son, about 14 years of age, he Petitioned for maintenance out of his fathers sequestred estate, but because it was suspected the child might incline to his fathers Religion, who was a Papist, it was denyed him, unless he might be taken from both Father and Mother, and committed to the government of a meer stranger, which was ordered accordingly, and the poor

pittance of 100l. *per an.* only allowed, out of his own and fathers estate.

In *February 1651*, Mr. *James Hanham* of the West petitions the Commissioners at *Haberdashers hall* to this effect, That he had never acted any thing against the Parliament, yet two parts of his estate were sequestred with such rigour for his Recusancy, that he could not possibly subsist with necessaries by the remaining thirds, when taxes and other charges were deducted: That he was therefore constrained to borrow 50l. upon Bond, and having disbursed 15l. of the money, it seemes the *Sequestrators* got notice that the Petitioner had somewhat in his house worth a new sequestration or review, as they call it, thereupon they search his trunks, find the remaining 35l. pull out the guilty bag, and two parts of it they sequester into their own pockets, to the use of the Common-wealth, and for releef therein Mr *Hanham* appealed, but found no redresse at present, more than an Order for the sub-Commissioners in the Country to examine the business and certify, &c. At the return of whose Certificate, I leave the Petitioner to expect his doom.

On the 31 of *March 1652*, the Petition of one *Hamond* or *Ammot* was read, to this effect, That the Petitioner never did bear Arms or assist the Enemies of the Parliament, yet his estate had lyen under sequestration ever since the year 1645, and not one penny allowed him for his maintenance. That the Petitioner, being a Recusant, did in the time of the late war continue at his own house, as long as he could without apparent danger of his life, but considering how obnoxious



noxious even the most peaceable of his Religion were to be affronted and ruined, by the dayly mischeifs they received from some disorderly souldiers, and especially seeing one of his neighbours ( a Recusant ) slain at his own door, the Petitioner did then, and not before, fly for protection to a Garrison of the late *Kings*, without acting any thing in the least kind against the *Parliament*. And therefore humbly prayed he might have a fifth of his estate & the arrears allowed him to buy bread. But it not appearing to the Commissioners that he had wife or Children, their answer was, *they had not power to grant him any releef.*

Nor do I believe this mans case to be singular: For I am well satisfied, that a great part of those *Papists*, who are sequestred as absolute delinquents, were never in actual arms against the *Parliament*, but onely fled to the enemies Garrisons for shelter, yet no qualification or difference in punishment is hitherto allowed them, which would bee to my understanding very just and reasonable; Since whoever did observe the fury and rage of most of our common souldiers (at the beginning of the late troubles) against many of that party, will easily conclude the *Papists* had reason to distrust their own personal security amongst them. And for instance, I remember an officer of my acquaintance under the Earl of *Manchester* told me, that at their taking of *Lincoln* from the *Cavaliers* in the year 1644, he was an eye witness of this Tragedy. The next day after the Town was taken, some of our common souldiers in cold blood (meeting with Mr. Price of *Washingley* in *Huntington* who was a *Papist*) asked him, *Art thou Price the*

*Papist? I am* (said he) *Price the Roman Catholick*; whereupon one of them immediately shot him dead.

In the same month of *March* there happned at this Hall a very hard case, which was of a maid-servant (whose name I do not remember) but her Petition was to this effect; That her Father and Mother both dyed, when she was but 16 years of age, and being very poor, they left the Petitioner only some old clothes and a little household-stuff, in all not above 5. or 6. pounds, after whose death the Petitioner, being an Orphan, betook her self to service, and having served seventeen yeares, for the annuall wages of 7 Nobles, the Petitioner had by her frugaliy increased her small patrimony to 20 l. which being plac'd in the hands of A. B. and of late discovered to be the Petitioners money, and the Petitioner a Recusant; She humbly prayd that they would please to take the sad and disconsolate condition of a poor Orphan into their charitable consideration, whereby the extremity of the Law might be qualified to so mercifull a temper, that she might not be utterly ruind, by losing in a momeat for her Conscience what she had been so long in gathering by the sweat of her browes. But the Commissioners, (though perhaps other wise willing) concluded they had net power to give her any releef, more than the bare thirds, unlesse she would take the Oath of *Abjuration*; A thing as far at least above her understanding, as it can be against her Conscience,

If it be unreasonable (as many wel-affected seem to urge) that the Priests and Ministers (who do or at least should perform some spirituall

all offices for the good of the Soul ) should tyth a tenth part of the husband-mans labour : How much more unreasonable is it , that a poor filly maid-servant should thus , meerly upon the account of Conscience , be sequestred of two thirds of that, which by many yeares labour she had gained and reserved , as a suport against the necessities of old age.

On the 16th of *April* 1652. The Case of *Mistris Church* of *Essex* , a Recusant , was heard , whose Petition spake to this effect ; That her late husband in his life time settled a lease of *Muck-hall* ( or such like name ) in *Essex* of considerable value upon her in lieu of jointure, for divers years yet in being , and was held of the late Dean and Chapter of *Pauls* ; That *Alderman Andrews* or Mr. *Nathaniel* his son had bought the reversion of those lands at *Gurney house*, and had since taken a lease for 7 years of the Commissioners for Sequestration in *Essex* of the whole present possession , without the Petitioners consent or knowledge , and without any regard to her thirds ; And that the said Mr. *Andrewes* having now possession of the whole estate, had demolish'd the Petitioners Mansion house , and did refuse to pay the Petitioner her Thirds , whereby she was driven to a necessity of wanting bread , being a distressed and friendlesse widdow of almost 80 years of Age ; She therefore prayd her thirds and the arreares , and that the said lease might be annulled , &c.

The first was charitably granted , but as to the Lease , and what her thirds should be , she was left to the Mercy of Mr. *Andrews*, who I fear does forget what the Father of Mercyes sayes in *Jeremy* 22. 3. *Execute judgment and right-*

righteousnesse, and deliver the Spoyle out of the hands of the oppressour, and doe no wrong, doe no violence to the stranger, and fatherlesse and widow, &c. And in *Matt. 23. 14.* *Woe unto you Scribes and Pharisees, Hypocrites, For ye devour widdowes houses, and for a pretence make long prayer; Therefore ye shall receive the greater damnation.*

That which in this case did most exact my observation, was, That *Mr. Andrews* (a person of quality) should make use of his power against a poor widow, and should be present, and openly avow the taking of her estate over her head, with so little regard to the thirds, which is allowed her by the Act of Parl. and so much to his own benefit; without which, tis like he would not have taken it, and with which the Petitioner must needs suffer.

From *Haberdashers* shall give me leave to make a step into *Morefields*, where on the 19 of *May 1650* being the Lords day, *Rich. Ledsam* and one *Leabeater*, two Pursuivants, apprehended *Robert Segar*, a poor old decrepit man, upon a suspition (and twas but a suspition) that he had been at the *Spanish Embassadors at Masse*; upon this bare surmise the poor man was searched, and in his pockets they found an old Prayer Book, whereupon he was carried before a justice of peace, and committed to the *Gatehouse at Westminster*, where he lay in the Common Gaol, till the quarter Sessions in *January 1651*, being full 20 moneths, without any discharge or proceedings against him, and at that Sessions was acquitted by proclamation, through the mercy of *Justice Scobell*, but was deteyned Prisoner (untill *April 1652*) by

by Mr. *Weeks* the keeper of the prison for the rent of his lodging, for which the said keeper demanded 14 pence a week, besides fees, and yet (as I am credibly inform'd) the old man lay on the boards in the Common Gaol, and had no other pillow for his head, but a hard Stone, for which he must now pay more than he is worth, or continue till he perish in prison, being above 86 years of age.

And now I am at the *Gatehouse* I shall give you the supplement of a like sad story, mentioned in the 21 page of the first part of this *Moderator*, concerning a great-bellied gentle-woman, committed to prison on the 24 of *June*, 1651, her name upon enquiry I find was *Delavall*, an English woman, but her husband a Frenchman; she was committed also to the *Gatehouse*, and with much importunity got leave by Petition to goe out upon bail, till she was brought to bed, but was an actuall Prisoner full 7 months of the 12, which is prescribed by the *Statute*, and the Fine of 100 Marks stood charg'd upon her, til she was releev'd by the late gracious Act of *Generall Pardon and Oblivion*, (an Act that no lesse obliges all the People of this Nation, to forget their private injuries, than to remember the publique mercy of the Parliament: ) and all this poor Womans sufferings merely grounded upon a bare supposition, that she had been at the then *French Agents* in *Long Acre* at *Mafs*, without so much as one witnesse that there was any *Masse* said there at all, It being the truth of the case (if I may believe their most serious Protestations,

ons ) that they were only at their other private devotions.

But to return to *Haberdashers hall*. I perceived in my observations there, that besides the cases before recited, it was a familiar thing to see Papists ( I mean single Papists, without the adjunct of Delinquency ) outed of the possession of the two sequestred thirds of their estates, by any stranger that would offer in the box but 12 pence more than the owner ; which hath made divers owners strain themselves to give more rent to the State, than they could possibly make of the two parts, rather than be outed of the possession of their Antient patrimonies ; And some of them have assured me, that it happens very often, that neighbours, either through covetousness or revenge (for who can live so innocently as to procure no Enemy, at least so happily as to have none, ) set themselves to outvy the owners, and then recompence the losse they have in the great rent they pay, by misusing the lands they hire in despite of the owner.

Besides many times when the proprietors have with much charge and long attendance obtained Leases of the two parts for 7 years in the Country, in pursuance of the Act of Parliament ; after improvement of their estates by good husbandry, they are again outed, and their Leases made void at this Hall, under pretence of the want of some formality of *Surveying*, *posting*, *boxing*, or the like, which it seemes the Instructions from these Commissioners do hold forth to

those



those below, yet those *Instructions* are not made publique, whereby the parties interested might be advised how to proceed regularly and certainly in a businessse, that so much concerns their subsistence.

Nor are the Recusants permitted to sell any of their Lands, by Fining for the two parts, though for payment of their just Debts, nay though they should bee willing to transport themselves beyond the Seas; By which disablement to sell or Mortgage the least pile of grasse they possesse, many well-affected suffer much prejudice, by non-payment of their true and ancient debts, but divers of the Papists are thereby driven to such extream necessities, that they have expos'd their bare Thirds to sale; though I perceive few Purchasers will meddle therewith, unlesse upon very disadvantageous termes to the Seller, because the Purchasers say, they are sure to contract a charge and trouble to themselves by their attendance at this Hall: For in such case, if the Papist can gain the favour to have his Thirds partitioned from the other two; yet (as I heard it argued) the State might, whē he had sold such divided part, or by good husbandry improv'd it, evict it from him, and assign him another Thirds of the same Lands, that perhaps has been wasted by ill Tenants; For I found this also much complained of among the Petitioners, that the Sequestrators or such Strangers to whom the Two parts are often demised, rarely or never bestow any Money on repairs of the two Thirds, but take the Rents, as long as the Houses or Lands will yeild any; which is one reason, why such Customers many times out-bid the owners for the renting those two Thirds; the owners being alwaies careful to keep up the Houses, and direct their Husbandry to the best advantage and embetterment of the Lands.

Others I observed to complaine much of the  
C long

long attendance, and great charge they were at in gaining their Thirds, and an allowance of their Mansion-Houses, and of the many malicious and false accusations that Informers were permitted to bring in against them: As (if I mistake not) I overheard some of the Solicitors say, that the Lady *Sains Johns*, or her Husband Mr. *Arundell*, had been accused for Delinquency five or six severall times, and still cleared it. Witnessees have beene often suborned to false accusations, and yet when the party injured (after long attendance and expence) has cleared himselfe of the Calumny, and consequently proved the malice of the Informer, no reparation would be allowed for so dangerous a slander; Insomuch that upon the whole matter I have heard a Recusant (with tears in his Eyes) professe seriously, that so much attendance and charge was required in getting their Thirds, and such continuall fears and vexations attended their condition, that if he could by manufacture or any other honest calling get a livelyhood, he should easily resolve to let his Third part goe after the other two.

The Commissioners themselves (sitting in a treble capacity; First for *Compounding with Delinquents*, Secondly, for *Advance of Money* upon the fifth and twentyeth parts, and Thirdly, for *Sequestrations*) can onely spare Wednesday Mornings, for hearing Petitions upon Sequestrations, and commonly there is not a Committee (which must be at least four of the seven Commissioners) till after ten of the clock, by which means they can scarce afford two hours in a Week for the dispatch of that employment. So that whensoever a Suitour delivers in a Petition, it is usually a full Moneth, if not six Weeks before its comes to be heard in course, and a great part of this time he must attend, and perhaps retaine

maine Councell severall dayes before his businesse will be heard.

These complaints (for ought I could possibly be informed) are not onely true, but far short of what this sort of people suffers; which so much the more afflicts my Soule, by how much I consider the sufferers to bee Christians and Natives of England.

I omit to speake of the *sub-Commissioners* for Sequestrations in the severall Counties of this Commonwealth, as having hitherto had little meanes to informe my selfe of their severall proceedings, and considering them obliged to pursue the *Infrusions* they receive from those above; onely this I can say of some of them, whom I have conversed with, that they seeme to grant, that Sequestration of Papists Estates, upon the sole account of Religion, is not in their opinion warranted by Gods word, but rather the contrary; And yet these men continue their employments, which I feare will expose them to the censure of worldly minded and avaritious selfe-seekers: And I pray God that whilst they charge others with Idolatry, they bee not found guilty of it themselves, since the Scripture sayes expressly, *that a Covetous man is an Idolater.*

Ephes. 55.

But it being apparant that the *Oath of Abjuration* is the wrack which torments so many Consciences, I did therefore in the former part of this Discourse propound some *Queries* upon that Oath, and shall now humbly add, (as not improper for the subject) what the before mentioned Sir *Alexander Irving* lately said, in answer to Master *John* Moderator of the Presbytery of *Aberdeen*, concerning constraint of conscience and enforcing Oathes: his very words are these. *I doe acknowledge what you say concerning Oathes, that God is ho-*

noued by them, yet that must receive some limitations, w  
 else it would prove very false, they must be taken in  
 Iudgement, in truth and upon necessity : Now I  
 appeale to your owne Consciences, whether yee haue ob-  
 served these Conditions in your urging so many dread-  
 full Oathes upon this miserable Nation these years by-  
 past, not onely in the Covenant, but in your solemn  
 League with your Presbyterian brethren of England,  
 whereby yee enforced all men to swear to establish by  
 Armes, that Tyranny there, as yee had done here : how  
 many haue yee enforced ( by th-eating and Execra-  
 tion of your Kirk censure and the severity of the Civil  
 Law, following upon them, depriving men of their  
 Estates ) to swear and subscribe to all ye enjoyned w  
 could inuent, albeit yee knew them to be of far contrary  
 Iudgements, wherein yee did imitate that feigned  
 and false Mother, who before Solomon was contented  
 to haue the Child divided, whereby her Hypocrisie was  
 found out by that brave Prince : By which means  
 yee haue made this Nation guilty of perjury, besides many  
 other beynous sinnes: I wish to God you had remembred  
 or would yet remember, how much you cryed out against  
 the Tyranny of Bishops, ( when they were urging some  
 of your number, who were refractory to Episcopacy )  
 that there should be had some regard to tender Con-  
 sciences, which were of another Iudgement : But so  
 soon as ye had got the power into your hands, neither  
 Minister nor Laird, Man, Woman or Child, was  
 spared, nor any regard had unto them, whatsoeuer  
 quality or condition they were of, all were forced no-  
 onely to obey you, but ( which is the greatest tyranny  
 over mens Consciences ) they were made to swear, that  
 they thought, as yee would haue them, albeit to your  
 owne knowledge many thought the contrary &c. The  
 whole Answer, which beares date, 20. January  
 1651. is worth the reading, and is Printed in the

the *Diurnall*, Numb. 118. I pray God a great part of the same arguments may not be turned against us, for enforcing this Oath of *Abjuration* so positively against mens Consciences.

And since we all say, that wee abhorre to violence and force any ones Conscience farther then to secure the publick peace, and that onely as necessity shall really appeare, and not upon any Voluntary or Counterfeit pretence, I cannot see how the taking of this Oath availles to make a man, either a better Neighbour or a better Subject, and should be glad to know, whether the Parliament will trust honest Sir *Richard Minshew*, Dr. *John Frier*, &c. any more now, then before they tooke that Oath, and became outward Conformists: Since tis but too probable, they doe it not upon any Conviction of Conscience, but rather against Conscience, meerely to save their Estates from Sequestration; And if so, none can deny, but that it is the highest degree of perjury, and a spirituall Murther of the Soule; Then let us sadly consider, how disadvantageous to the worke of the Lord, and scandalous to the eyes of men it will be, for us to fill up our Congregations with such unsanctified Members: The ingenious Author of *Mercurius Politicus*, (Numb. 99. page 1554.) hath an admirable Discourse upon this Subject. If wee seriously reflect (sayes hee) upon the designe of God, in bringing Christ into the World, we shall finde it was to set an end to that pompous administration of the Iewish form; that as his Church & people were formerly confined within the Narrow Pale of a particular Nation, so now the Pale should be broken downe, and all Nations taken into the Church. Not all Nations in a lump: nor any whole Nations, or Nationall Bodies to be formed into Churches: For

his Church or people now under the Gospel, are not to be a body Politicall, but Spirituall and Mystricall: not a promiscuous confusion of Persons taken in an adventure, but an orderly collection, a picking and choosing of such as are called and Sanctified, &c. Not a company of men forced in by commands and constitutions of worldly power and prudence, but of such as are brought in by the power and efficacy of Christs Word and Spirit. For, he himselfe hath said, My Kingdome is not from hence; My Kingdome is not of this World, &c. And therefore that band, which hath hitherto presumed in most Nations, to erect a power called Ecclesiastick, in equipage to the Civill, to bear sway, and bind mens Conscience to certain Nations ordained for Orthodox upon civill penalties, under colour of prudence, good order, discipline, preventing of heresie, and advancing of Christs Kingdome; and to this end hath twisted the spirituall power (as they call it) with the worldly and secular Interest of State; this (I say) hath been the very right hand of Antichrist, opposing Christ in his way, whose Kingdome, being not of this world, depends not upon the helps, and devises of worldly wisdom. Thus that excellent Pen. And a quick sighted and judicious member of Parliament, in my hearing, being made acquainted (as with a supposed grateful newes) that some such indifferent Christians, as Sir Richard and the Doctor, had taken the Oath of Abjuration and conformed, said; Truly our purchase therein is very little, and the Bapists losse much lesse.

And it may be worth the observation, whether these persons do amend their lives, or grow worse after such change; I am sure I have heard some discreet and precious people say, they would much lesse trust them now, then when they were



constant to their professions; Upon a belief, that those who will not (according to the inward dictates of their Conscience) keepe faith with God, will much lesse doe it with men.

In confirmation of this assertion, I may here cite the case of Mr. *Anthony, Roane*, who was executed at *Wick* in *Monmouth* shire on the 4th. of *April* 1650, for poisoning his Wife; This Gent. the very houre before his execution, made a publique confession to this purpose; That hee had been bred a Roman Catholique from his infancy, and continued in that Religion till some two or three yeares before his death, when, being overcome by an unhappy necessity of preserving his family from beggery, hee forsook the Belief of his owne Soule, and went to Church to save his Estate; after which, the (Devil taking advantage upon him in this disturbance and anxiety of Spirit) he confessed that he had falne into many great Sinnes, but denied the guilt of that horrid cryme of poisoning his wife, for which he was condemned to dye; deliverning further with a kind of confidence, that if he had had the grace to have continued constant in his Religion, he believed he had never so highly transgressed the Commandments of his God, nor come to so unhappy an end: And openly declared (with much seeming repentance) that he dyed in his old Religion.

And it is a generall observation among the Popists themselves, that many of them, who strain their Consciences to such compli-  
*ance*, doe come to untimely ends; as I confesse we have lately had an unhappy instance in the unfortunate death of Mr. *Henry Slaine* in a Duell by the  
*Sampton.*

Certainly this is a sad consequence of wresting Lord Shannons inward perswasion of poore Soules from their doits, which their own Conscience tells them is 11 May.

true, thereby making them lesse carefull of their owne salvation, and their honesty and credit of lesse reputation, even with those, who force them to this change. For the heart of man is so fraile and deceitfull, that it seldom is drawne by violence from those principles, which it has long been used to esteeme and practise, but becomes slack and negligent in what concernes the other World, and by degrees growes very often wholly insensible of any thing, but sensuality.

Upon the newes not long since, of some Papists taking the Oath of *Abjuration* and frequenting the publique places of meeting, I conceived my selfe sufficiently furnisht to answer a certaine old saying, which a Recusant of my acquaintance used often to repeat in my hearing, that *SANGUIS MARTYRUM EST SEMEN ECCLESIAE*: This upon all occasions hee applyed to the sufferings of Papists, both here in *England* and ten thousand miles off in *Japan*, in which two Islands have of late been sharper persecutions, (said he) for matter of Religion, then in any other place of the World; This he continually insisted upon, as a Sovereigne remedy for all his sorrowes, nor could we ever beat him from this last hold, wherein hee fortified himselfe, *SANGUIS MARTYRUM*, &c. nay more, hee sometimes ventured to affirm with strange assurance, this assertion, that his Church encreased and prospered still, even whilst it was actually under the greatest pressures, that his Church was, as the Palme tree, the heavier weights are laid on, the more it flourisheth. I having gotten this advantage by the late coming in of some Papists to our Religion, went presently on purpose to my Recusant to put him to the question, and as it were a little triumphing, demanded

ded what hee thought now of his old Latin Proverb (in which hee had formerly seemed to place so much confidence) and whether the Palme tree did not sometimes break a twigge by laying on so many weights; To which he replied with a little suddenesse and Choller, That some dead or Canker-eaten Branches, as they can beare no weight, so they can bear no fruit, even whilst united to the Stock, and much lesse after their division: But soone recovering himselfe to his usuall temper, he calmly, yet earnestly undertooke, that as there have been at least twenty Preists put to death in *England* since the beginning of this Parliament meerly upon the account of their Religion or function, so hee could name a far greater number of persons of quality, who have in the same space of time reconciled themselves to the Catholique Union. When I urged him to the prooffe of this assertion, he immediately delivered me a list of twenty Preists, who during these late revolutions have been hang'd, drawne and quartered either for taking orders beyond Seas or exercising them on this side the Seas, and withall promised (upon the allowance of a little time for recollection) to furnish me with a Roll of some names, who have lately declared themselves Catholiques, undertaking, if he was deceived in any name, to recompence such Errour, with the interest of two for one, unlesse he might be dispensed with upon the inconveniency of discovering those, who can no longer live unruined for their Religion, than they are unknown to professe it.

The

The Preists executed in severall places  
Since the Year. 1641.  
were these.

Mr William Ward.	Mr Francis Bell.	} Executed at Tyburne.
Mr Reynolds.	Mr Duckett.	
Mr Roe.	Mr Corbet.	
Mr Edward Morgan.	Mr Morse.	
Mr Bullaker.	Mr Phillip Powell.	
Mr Holland.	Mr Peter Wright.	
Mr Heath.		

Mr Lockwood. } Executed at York.  
Mr Cawrick . }

Mr Green, Executed at Dorchester.

Mr. Barlow. } Executed at Lancaster.  
Mr. Reading. }  
Mr. Whitaker. }  
M. Thompson. }

Besides Master Thomas Paughan (after very hard  
usage aboard Captaine Maltous Ship) soone after  
dyed at Cardiffe in South Wales.

Mr.

Mr Iohn Goodman.

Mr Henry Myners.

Mr Peter Wilsford.

Mr Iohn Hamond.

Mr Colman.

Mr Rivers, &c.

} Dyed Prisoners in the  
Common-Gaole at  
Newgate since the  
yeare 1641.

Besides diverse who are now continued in  
prison.

Now I humbly thank the Lord Christ, there was  
only one of these Priests (whom I mentioned in  
the first part of this Discourse) put to death, since  
this Nation was established in the present Govern-  
ment, and I wish from my Soul, that his life  
had also been spared; since my obligations to this  
Common-wealth and the present Governours there-  
of are such, that I am bound every day to offer  
up my sighs and prayers to the Lord, that no  
blood of any peaceable Christian be spilt for the  
onely difference of judgement in Religion: For  
certainly whosoever shall practise such cruelty, will  
be called to a strict and rigorous account at the  
judgement of the great Day. Jude 6.

But proceeding to require of my Recusant the  
performance of his word concerning the late Con-  
verts hee so much gloried in, I merrily threatned  
him, that if he observed not his promise, I would  
presently not onely suspect some secret evasion in  
him, but cry out against all Papists as jugglers and  
equivocaters, or else, I being an Heretique, no Faith  
was to be kept with me, and though the present  
matter be of a triviall Consequence, yet we knew  
the Welchman stole Rushes to keepe his hand in  
ure.

He

He first seriously redeemed his word by delivering mee this following *Catalogue*, and then merrily answered my jeasting, with wonder at my hardnesse, how I durst stay in *London*, since the last letters from *Amsterdam* discover so dangerous a plot intended by the *Papists* and *Cavaliers* against this Towne, they have these many Months held a secret intelligence with all the *Engineers* and *Mill-makers* of *Holland*, and hired them forthwith to prepare a thousand such Engins as we use to quench scare-fires, and these *Van-Trump* (who has been a long time Popishly affected and a rank Cavalier ever since hee was Knighted) undertakes to bring up so privately to the very Bridge, that in one night they may bee planted all along the River, and drowne even *Pauls* it selfe, by squirting all the water in the *Thames* upon the City. Now if you ask a *Papist* whether he know of any such conspiracy, hee will presently cast about in his thoughts to retrieve some mentall reservation, and then downe right deny that ever hee heard any such thing. But to returne from this feigned Story of the Recusant to the reall History of this new *Profelites*, amongst whom he reckon'd these following; But pretended prudentiall reasons to excuse his concealment of many others.

1. The Countesse of *Denby*.
2. The Lady *Kelimekin*.
3. The Lord *Cottington*.
4. *Thomas Vane*, Doctor of Divinity.
5. *Hugh Paulin De Gressy*, one of the late prebends of *Wyndfor*.
6. Sir *Marmaduke Langdale*.
7. Sir *Francis Doddington*.
8. Sir *Theophilus Gilby*.

9. *Mistris*



9. *Mistris Bridget Feilding.*
10. *Doctor Baile.*
11. *Doctor Cosens onely Sonne.*
12. *Dr. Goff*, entred into the Religious order of the *Oratorians* at *Paris*.
13. *Master Peter Glue* of *Balliol Colledge* in *Oxford*.
14. *Mr. Richard Nicolls* Barchelor of Divinity of *Peter-house Cambridge*.
15. *Master Richard Crasshaw*, Master of Arts of *Peter-house Cambridge*, well knowne for his excellent Poems.
16. *Master William Rowlands* of *Exeter Colledge*, in *Oxford*.
17. *Captaine Thomas Cooke.*
18. *Master Edward Barker* of *Cains Colledge*, *Cambridge*.
19. *Master Temple.*
20. *Master Osborns, &c.*

I must ingenuously confesse, I knew not well what answer to make the Papist in this point, but still to expresse my dislike of such persecution even of any sort of Christians: And am very confident, that were they treated more mercifully and invited to come to our spirituall conferences, (which my Recusant told mee hee would not at any time refuse, were it onely to discourse in an amicable Christian way the points in difference betweene us) we should gaine more of them to us, or at least hinder the growth of their Religion more, then any tortures of body, or Sequestration of their Estates are like to doe.

Nor is it reasonable to exact of such as dissent from us any other kinde of presence at our Exercises, then to propose their difficulties in a modest and

and peaceable way, and patiently to heare our  
 Answers, without expecting they should presently  
 joine with the Congregation; for that were to  
 oblige them, to professe before they are satisfied, and  
 practice, before they know what it is they doe.  
 Whereas the Scripture commands us first to try  
 things, and then hold fast that which is best.

Some, who have not only the forme but the  
 power of Godlinesse in this Nation, have of late  
 (in order to the advancement of Christs King-  
 dome) been induced to move and endeavour a re-  
 admittance of the *Jews* amongst us, in hope to be  
 happy instruments in their conversion, which the  
 Scripture holds forth in the 11. to the *Romans*.  
 And why shall we not also (upon like grounds of  
 Christian Charity) endeavour the conversion of  
 all other people of different perswasions in point  
 of Christianity, by being mercifull unto them, as our  
 Heavenly Father is mercifull Luke 6.36.

But nothing so afflicts my spirit, as to consider  
 the cruell gripes we give the *Papists*, in respect of the  
 light hand, which the *Turke* himselfe beares over  
 his *Christians*; To which purpose I shall here  
 humbly offer an exact Parallel of the *Papists* suffer-  
 ing in *England*, to the Condition of the *Christians*  
 in *Turky*. First clearing one easie objection, whereas  
 some Godly people seem to scruple; They thinke  
 the *Papists* here suffer for some other fault, and not  
 only for difference of Judgement in Religion,  
 which is an evidens mistake; For if their burthens  
 be not laid on for their different Judgement, why  
 are they taken off, when they conforme in their  
 judgement? why should their receiving the Oath  
 of Allegiance deliver them from all penalties and  
 Sequestrations, if those penalties and Sequestra-  
 tions be not inflicted upon them merely for holding  
 some

opinions, which that Oath obliges them to  
 stance. Others even of the best affected have  
 been in my hearing affirmed, that certainly that  
 Oath was onely intended, as a means of discovery,  
 to the Magistrate to know, in whom he may con-  
 sider; But why then is it used so much beside their  
 supposed intension? or what need of annexing any  
 penalty, which surely is the greatest hinderance of  
 discovery; For were there no danger in being a  
 knowne refuser of that Oath, few would be so  
 diligent in concealing themselves, lest they should be  
 knowne to refuse it. Nor indeede, is this Oath  
 ever offered to any upon the single ground of  
 diffidence in their affections to the present Govern-  
 ment, but onely to such as are suspected of  
 Popery.

But to returne to the Comparison I began to  
 mention between the state of *Papists* in *England* and  
 of *Christians* in the *Turks Dominions*, I finde by the  
 best information I can gather, the Great Turks  
 manner of bearing himselfe to his Christian Sub-  
 jects to be strangely more temperate and lesse ac-  
 cusable of cruelty or covetousnesse, than wee *Chris-  
 tians* use to one another; for as our Travellers  
 unanimously relate, the whole Annuall Fine that  
 any Christian payes the *Grand Signior* upon the score  
 of Religion, comes to no more than a *Zeccheen*, which  
 is lesse than our *Angell*.

And yet what ever wee can object against our  
*Papists*, the *Turk* may with at least as much reason  
 charge upon his *Christians*; Some Ancestors of the  
*Christians* have heretofore taken up Arms, and con-  
 spired with Forraigners against the establishd Go-  
 vernment of their Countrey; and yet the *Maho-  
 medans* (whom wee so much abominate as tyrant-  
 nicall and barbarous) can forgive the posterity  
 of

of such undeserving Parents, and let them live quietly under so small an annuall tribute for their Religion: Whereas our selves (whom wee so highly commend for Christian meeknesse and charity) can never forget the Crimes of a few Papists, never give over punishing the Children for the faults of their Fathers. The Christians under the Turke, cannot certainly be free from suspicion of being disaffected to their Magistrate, both upon former practices, and the Principles of their Religion; yet rests bee satisfied with disarming them, and excluding them from all Offices of Trust, and Places of Importance, to the interest of Government. Whereas we are so far from contenting our selves with such prudentiall cautions for our security, that we proceed to seize upon the best part of their estates, which in a short time must of necessity reduce them to absolute ruine and desperation. And yet there is one considerable ground of suspicion altogether unapplyable to the Papists of *England*, which is, that the *Turke* came from a strange Country, to invade at once both the Empire and Religion of the *Grecians*; whereas the Papists are all Natives of this Land, borne with the same title to the Common liberties, that our selves have, and for Religion they onely stand pre-emptory in their old way, professing to be altogether unsatisfied concerning the Reformation we hold forth unto them: Nor doe the *Turkes* insist upon that common Objection, That *Christians* nowhere suffer *Turkes*, and therefore no reason they should tollerate *Christians*, as tasting more of Womanish spight and revenge, than manly Noblenesse and Gallantry: How would these unhappy misled Soules exceede us Christians in moderation towards such as are otherwise minded, if they had read that

Golden

Golden Rule of our *Saviour*, that wee should *render good for evil*?

But the inhumane practice of the *Turk* in-taking away so many Children from the Christian Parents is extremely cruell and detestable, though as Sir *Henry Blount* ( a person both compleatly learned, and perfectly civill, ) observes in his *Voyage to the Levant*, when that custome was first introduced, many politick reasons might be alleged to excuse (not justly ) so wicked and tyrannicall an institution, if hee could have so much as excused his wicked and tyrannical usurpation, The *Christians* being then very numerous, and by a barbarous stranger newly deprived of the Dominion of their Country; All which circumstances naturally increase and heighten the suspicion of an Usurper, whose right was certainly far less sharpe than his Sword, if hee did not clearly see, that his new conquered subjects might perhaps for a time want an opportunity, but neither will, reason, nor strength to attempt, by his expulsion, the just recovery of their owne Liberties.

But since the affairs of Turkey are so establish'd, that the *Musliman* hath no longer any jealousy of the Christians, those unnaturall cruelties of Plundering the Parent of his Child, are altogether laid aside, and the *Christians* permitted to purchase with small fine a dispensation, and every one now enjoys this comfortable Liberty, as they give their Children Birth, so to guide their Education.

Not one of these considerations, but argues in favour of the present Papists amongst us; Not one of these exceptions are they obnoxious to, their number being small and inconsiderable, their posture naked and disarmed, and the doore long since by other powers

powers shut against them, to all advantages in the Nation; By which means they have neither so much disobligation to the present Government, nor any possibility to worke the least disturbance of the Peace.

And therefore, however upon the first *Reformation* it was necessary to take a sharpe and resolute course for diminution of the Papists power, yet since they are reduced to so low and weake a condition, that wee cannot handsomly even feign a danger from them, it is become now unnecessary, and consequently ( by our owne maxims ) unlawfull to continue the same penalties upon them; No other cause being truly sufficient to justify our punishing others, but a true necessity of preserving our selves.

And these I conceive may by the reasons, why the *Papists* have of late made their addresses to the *Gentlemen*, that are appointed by Parliament for *Regulation of the Laws*, building their hope upon this ground, that as the causes of so great severity against them are ceased, the sad and ruinous effects may no longer be continued; And certainly they could not have chosen a more proper way to obtaine reliefe, than the applying of themselves to this *Committee*, it being compounded of persons, whose abilities beare an excellent proportion to the greatness of the Worke they have undertaken, having in one halfe year seen further into the defects of our Law, and the excesses of its practice, than many Ages formerly have been able to discover, and whose integrity is so remarkable, that in the short space of a few Moneths, they have design'd a perfect reformation, of more Errours, than many Ages formerly have been willing to search into. So that as the *Charity* hath already provided a favourable countenance



of mercy for the poore, their extreme industry and sincerity promises a speedy settlement of an equall and impartiall course of justice for all others. To this Committee the Recusants presented these two following *Papers*, the first of which began with this Title.

The Honourable Committee for Regulating the Lawes, is most humbly desired by the Catholike Recusants to take this Schedule of the Penall Lawes against them, into their just, serious and favourable Consideration.

**T**HE second result of the Oath of Supremacy punisht as high Treason, 5 Eliz. 1.

2. To maintaine or extoll Authority in the See of Rome, the second time, high Treason. 5 Eliz. 1.

3. To obtaine or put in use any Bull from Rome, high Treason, 13 Eliz. 2.

4. To perswade or reconcile, or to be reconciled to the Roman Religion, high Treason. 23. Eliz. 1 & 3.

5. For Jesuit or Priest made by Authority from the Pope, to come or remaine in the Kings Dominions,

minions, high Treason. 27. Eliz. 2.

6. So for remaining in a Seminary six Moneths, after Proclamation, and afterward returning, high Treason. 27. Eliz. 2.

1. For concealing of a Bull or other Instrument from Rome, or Reconciliation offered, punisht as misprision of Treason. 13. Eliz. 2.

2. To maintain or conceal those who perswade or are Reconciled to the Roman Religion, misprision of treason. 23. Eliz. 1.

1. To Receive, Relieve, or Comfort Jesuit or Priest, knowing him to be such a one, punisht as Felonie. 27. Eliz. 2.

2. To refuse to abjure the Realme being commanded, or to returne without License, Felonie, 35. Eliz. 1, 2.

3. To goe and serve a Foraine Prince, having not before taken the Oath of Alegiance, and entred Bond not to be reconciled to the Roman Religion, Felonie. 3. Jac. 4.

1. The first refusal of the Oath of Supremacy is punisht as in case of a Premunire, which imports a forfeiture of all Lands and Goods, imprisonment for Life, and a Deprivation of the benefit of the Law. 5. Eliz. 1.

2. To set forth or defend power spirituall in the See of Rome, Premunire. 5. Eliz. 1.

3. To bring or receive any Agnus Dei, Crosse Pictures, or such like from Rome, Premunire. 13. Eliz. 2. 23. Eliz. 1.

4. To aid any person who hath put in w're any Bull from the See of Rome, Premunire. 13. Eliz. 2. 23. Eliz. 1.

5. To send, or give reliefe to any continuing in Colleges, or Seminaries beyond Seas, Premunire, 27. Eliz. 2.

6. Refusall of the Oath of Alegeance upon the second tender, Premunire. 3. Jac. 4. & 7 Jac. 6.

1. For not discovering of Priests made beyond the Seas, Imprisonment 27. Eliz. 2.

2. Upon indictment for Recusancie by Proclamation, Imprisonment. 29. Eliz. 6.

3. For refusall to go to Church, or to be present at the reading of the Common-Prayer Imprisonment without bail 35. Eliz. 1.

4. Those that are not able, or faile to pay their forfeitures, are to be Imprisoned, untill payment or conformance 23. Eliz. 1.

5. Women Covert Imprisoned for refusall of the Oath of Alegeance. 3. Jac. 4

6. For non-payment of twelve-pence for every Sunday, Imprisonment. 3. Jac. 4.

7. Woman Covert convicted for Recusancie imprisoned till her Husband pay ten pounds a moneth, or a third part of his Lands. 7 Jac. 6.

8. Standing Excommunicated for Recusancie, House may be broken up for his apprehension. 7. Jac. 6.

1. Those who shall forbear to come to Church, by the space of twelve Moneths, bound to the good behaviour, with suretie in the Kings Bench. 23. Eliz. 1.

1. Everie Recusant is confined to five miles compasse for Life. 23. Eliz. 2.

2. To ten miles distance from London. 3. Jac. 5.

3. Not to come in the House, where the King and his heir apparent is. 3. Jac. 5.

1. For absence from Church-Service every Sunday twelve-pence forfeited. 1. Eliz. 2.
2. And for every Holiday, twelve-pence forfeited. 3. Jac. 4.
3. For absence from Common-Prayer every month, twentie pounds forfeited. 23. Eliz. 1. & 3. Jac. 4.
4. For default of payment of twentie pounds a month, all Goods, two parts of Land, and Leases forfeited. 29. Eliz. 6. & 3. Jac. 4.
5. At the Kings election to take or refuse twentie pounds a month, or to take two parts of the Recusants Estate. 3. Jac. 4.
6. All Coppy-hold Lands of Recusants forfeited. 25. Eli. 2.
7. The forfeitures of the Ancester charged upon his Heir being a Recusant. 1. Jac. 4.
8. A conformed Recusant forfeits for not receiving the Sacrament, according to the Service-Book, the first Year twenty pounds, the second Year forty pounds, the third Year, and every Year after, sixty pounds. 3. Jac. 4.
9. To the Presenter, out of the Recusants Goods, forty shillings forfeited. 3. Jac. 4.
10. For every Recusant Sojourner and Servant ten pounds for every month forfeited. 3. Jac. 4.
11. Two parts of Dower or Joynture of a married Woman forfeited. 3. Jac. 5.
12. For coming to Court, a hundred pounds forfeited. 3. Jac. 5.
13. For not Baptising of Children according to the Service-book publicly within a Month after their Birth, a hundred pounds forfeited. 3. Jac. 5.
14. For Marrying otherwise than by a Minister, a hundred pounds forfeited. 3. Jac. 5.
15. For Burying out of the Church or Church-yard 100l. forfeited. 3. Jac. 5.

16. For sending Children beyond the Seas without License, 100 l. forfeited. 1. Jac. 4.

17. For maintaining a Schoolemaster, not going to Church or allowed to teach, for every month, ten pounds forfeited. 23. Eliz. 1. & 29. Eliz. 6.

18. And forty shillings per diem forfeited by the Scoole master, and Reculant that keepes him. 1. Jac. 4.

19. All Goods and Lands during Life, for breach of confinement, forfeited. 23. Eliz. 2. & 3. Jac. 5.

20. The like Forfeiture for going, or sending Children beyond the Seas, to be bred in Popery. 3. Car. 2.

21. For residing within ten miles of London, 100 l. forfeited. 3. Jac. 5.

22. For practising any Function expressed in the Statute of 3. Jac. 5. a hundred pounds forfeited. 3. Jac. 5.

1. Disabled to reverse indictment, for want of Form or other defect 3. Jac. 4.

2. Disabled from the practice of severall Functions whereby to gain their livings, viz. from practising Common Law, Civill Law, or being a Steward, Attorney, Solicitor, or Officer in any Court; From practising Physick, or being an Apothecary; and from bearing any Office in Camp, Troop, or Band of Souldiers, or in any Ship, Castle, or Fortress, &c. 3. Jac. 5.

3 By the Wifes Recusancie, the Husband disabled from publick Office, or Charge in the Common-wealth. 3 Jac. 5.

4. By Marrying otherwise than as the Church of England alloweth, the Husband disabled to be Tenant by Curtesy, the Wife disabled to have Dower, Joynture, Freebanks, or any Part or Portion of her Husbands Goods. 3 Jac. 5.

5. Disabled to sue or prosecute Actions, to present

to a Benefice, to be Executor, Administrator, or Guardian. 3 Jac. 5.

6. Children sent beyond the Seas without Licence, are disabled to take benefit of Gift, Conveyance, Descent, or Devise. 1 Jac. 4. & 3 Jac. 5.

1. Notwithstanding these forfeitures, Recusants are left subject to Ecclesiasticall Sentences. 23. Eliz. 1 & 3 Jac. 45.

By the greatest part of pecuniary forfeitures, they are subject to greivous vexations of Informers. The Statutes of double Subsidies, considering their other payments, are exceeding heavy.

Besides all these Lawes, the late Ordinances of Sequestration upon refusall of the Oath of Abjuration, by which, two third parts of all their Estates reall and personall are forfeited. 1 April 1643. & 19. August 1643.

An Oath made by the Presbyterians, and intended only for the time of War. An Oath by which we are forced to accuse and condemn our selves without any Legall proceedings or witness against us. An Oath by which we are punished, not for publishing any Opinion to the disturbance of others, but only for believing: which is to accuse and condemn men for the Thoughts of their Hearts. An Oath that contains in it matters of highest difficulty, yet are young and ignorant persons, and even Women, without the least preceding Instruction, equally forced to take it, or punished for refusing it.

And in the Instructions to the Sequestrators 21. October 1643. they are charged to seize and secure the Estates of all such persons, whom they suspect to bee within the Reach of the Ordinance, and so leave them to the after Game of clearing themselves



as well as they can; which is to punish before Tryall, nay even before Answer of the accused.

In company of this long Roll of penall Statutes (made in former times upon particular occasions) they presented also certain Arguments to induce a mitigation of those *Laws*, so high fall even in number, but far more harsh and churlish in their Natures; upon the head of which second Paper was this Inscription.

*Some few Motives, why  
Roman Catholiques should  
not be forced out of their Consciences  
by Penalties imposed upon them  
meerly for Religion.*

**A**LL Persecution for Religion is cleerly repugnant to the Principles of Freedom, so often and solemnly declared by the *Parliament* and *Army*, and now universally received by all the Moderate and well temper'd People of this Nation: Nor can it agree with the duty of any peaceable spirit, to distrust the performance of so charitable a promise.

Many and evident Texts of Holy Scripture (even according to the interpretation of the more conscientious Protestants) expressly condemn all compulsion upon the Conscience, recommending mildness and charity, as principall perfections to a Christian Magistrate.

Besides

*Principles  
of the pre-  
sent Go-  
vernment.*

*2. Scripture*

*Besides these, Catholiques have many considerations to be reflected on of a more particular advantage to their condition.*

1. *Ancient and quiet possession.*

**T**He Crime imputed to them is onely their continuance in that Religion, which the whole Nation (till this last age) universally profess, ever since its conversion from Paganism; And though time precisely considered, make not a Religion true, yet certainly it may pretend to a fair title of exempting it from persecution.

2. *Unchangeable.*

The Principles of their Religion are under all Governments the same, and in their nature absolutely incapable of change: so that the Magistrate once rightly inform'd of their Doctrine, and satisfied by promise of their fidelity, may rest secure, that no danger can arise from them by innovation.

3. *Education.*

Since the points in controversy are generally thought not cleere but difficult, especially by such in whom education (if it were no more) has fixt a strong apprehension of the reasonableness of their cause, it would appeare severe (if not unreasonable) to force them by penalties to any new way, or, altogether restraine them from continuing in their old: Perswasions of that kinde, as by degrees they sink into the Heart, so gently by degrees they are to be removed.

4. *Satisfaction in their Religion.*

Since they seriously and constantly profess, that after all their Prayers to God, and diligent reading of his Word, they cannot finde the least satisfaction in any other Religion, but that their Soules enjoy a perfect peace and serenity in their own;

it seemes very unsuitable to Christian Charity, either to compell them to a Religion, Where their Consciences cannot live in repose, or restrain them from a Religion, wherein onely they finde comfort here, and hope salvarion hereafter.

Since all the signes and Markes of tender Consciences are most apparently discernable in *Roman Catholiques*, they cannot but hope, the Charity and indulgence universally held forth to tender Consciences, will not universally bee denied to them; they all suffer for their Consciences an impoverisht and afflicted Life, and many of them a cruell and ignominious death; and can any rationall and unpassionate person see so much suffering for Conscience, and say the Sufferers have no Conscience?

5. *Tender Consciences.*

As for the Religion, it allowes no voyce or licentiousnesse against the Morall Law (the proper subject of the Magistrates care) but strictly requires a Religious severity against the corrupt inclinaions of Nature, and a Conscientious observance both of the Law of God and Man.

Not one of all the Nation, how different soever in Religion, how disaffected soever to the quiet of this Common-wealth, but enjoyes (by its allowance and protection) a perfect quiet for his Conscience, onely the *Roman Catholiques*, though they have generally taken, and punctually kept the Engagement, are singled out to misery and ruin, meerly upon the account of Religion.

6. *Even the most disaffected have Liberty.*

Yet cannot all the heavy pressures they have so long endured make them lay down their hopes to be at last relieved, especially from those, who profess themselves not onely bound by the light of Nature to deale with others, as they would be dealt with

with themselves, but by the Law of Grace, even to render good for evill.

7. *Causes of  
punishing  
ceased.*

The causes of imposing penalities upon *Catholiques* being now wholly ceased, they humbly hope it cannot be thought too great a boldnesse in their duty to Petition a readmittance to the Common Rights of free borne *English men*; since there is neither any *Catholique* Competitour for the Crown, nor any such detestable Conspiracy, as some few of their Religion have beene formerly guilty of: So that there remaines no other charge, but that of Conscience, to exclude them from the full enjoyment of their privileges of their Native Country.

8. *Their  
Fidelity.*

No question can bee made of the fidelity of their Engagement, who esteeme the keeping of an Oath sacred; and what stronger testimony can be given to the World, than that of *Catholiques* in freely offering up their Estates to seizure, and their persons to all the inconveniencies of a persecuted Life, rather than against their Consciences dissemblingly to swear one Oath: for could they with the Popes dispensation, or their lowne mentall reservation (which they are charg'd to bee still furnisht with for their own advantage) abjure the doctrin they believe, there remaines nothing now to distinguish them into that sad and miserable condition they are reduced to.

9. *Advantages at  
home and  
abroad.*

Were all burthens taken off from the Consciences of such as shall engage to live peaceably and unoffensively in their Country, this Nation would rather improve its security at home, since coercion in matter of beliefe has alwayes beene the chiefe cause of our troubles; And for abroad, the same reason that begets a concept of danger from the *Catholiques* correspondence with Forraign Princes,

Princes, will convince a benefar, if by mercy they be obliged to employ their credit in the service of their Benefactors.

## *Reasons why Composition is preferable before Sale.*

**A**ND now wee beg pardon humbly to offer up to the consideration and Compassion of the indifferent the most afflicted condition of many *Catholiques*, whose Lands are now designed to bee sold for their Delinquency. Most of which in the beginning of the late Warre ( seeing themselves unprotected by the Parliament, and expos'd to the plunder of the then Souldiery ) fled into the Kings Garrisons to save their owne lives, without taking up Armes to offend others. And even they who actually engaged for the King ( the sole disposall of all penall Lawes being in his power ) were owners both of their Lives and Fortunes meerly at his pleasure, and yet notwithstanding so great a Plea for their excuse, as the supreme Law of self-preservation, they are all ready humbly to submit to Composition : A proceeding which they hope will be condiscended unto, since it is as well apparently more beneficiall to the State, as less destructive to the compounders. For,

*Compound-  
ing more  
beneficiall  
to the State.*

After all just Claimes and true Debrs allowed, and the vast expences of Surveyours and other Officers deducted, the cleere profit that arises upon Sale, is, by experience, found to come farre short of what was expected. And this after a tedious controversy about the allowance of incumbrances,

very

very chargeable to the Suitors and altogether unsupportable to the Commonwealth.

Besides *Catholiques* are generally Tenants only for Life, and as generally subject ( before the late troubles ) to very many Engagements really and unavoidably charged upon their Estates, and unlesse such incumbrances be allowed, thousands of well affected People will be disappointed of their just debts.

Whereas by setting Rules for Composition a greater summe may be raised, and every one immediately bring his Money into the publique Treasury, without any further Charges, Delay, or Trouble, either to the Common-Wealth or Compounders.

The Compounders will have a stronger Obligation to live quietly hereafter, both by the fine they part with, and the Estate they retain, advancing so much to purchase their Peace, and having still something to lose, if they break it.

The State will by this shew to all the World, that they seek onely the security of the Government establishd, and not the ruin or utter extirpation of any private Family.

These Motives and Reasons I have both seriously thought upon in my owne spirit, and often conferred about with others, and after all my endeavours I finde them so reasonable and satisfactory, that I confesse they have not onely moved my Bowells to a compassion of such sufferers, but truly even to a zeal of their relieve, so far I mean, as that they, who neither disturbe the publick Peace of the  
Common



Commonwealth, nor refuse their Contributions to maintaine it, should no longer be compelled by Oathes and Sequestrations to act against their consciences.

Besides these diligences of late used by the Papists, in order to the obtainment of reliefe from the *Committee for Regulation of the Lawes*; they prepared also certaine *Proposals*, with intent (as I understand) to present them to the *Committee for propagation of the Gospell*, but being called into the Country by an urgent and importunate occasion, I am disabled to give any farther account concerning their *Proposals*, not knowing either how they were accepted, or indeed whether they were actually offered, and therefore can onely furnish you with a faithfull Copy of the Paper it selfe.

To the Honourable the  
Committee for Propaga-  
tion of the Gospell,

*The humble Proposals of  
the Roman Catholicks.*

1. **S**INCE all compulsion upon the Con-  
science is clearly against the Prin-  
ciples both of Parliament and Ar-  
my, as appears by the Parliaments  
Declaration in Answer to the Scotch Com-  
missioners,

*missioners, 17.Feb. 1648. in these words,*

As for the truth and power of Religion, it being a thing intrinsecall betweene God and the Soule, and the matters of Faith in the Gospell such as no naturall light can reach, wee conceive there is no humane Power of coercion thereunto, nor to restraine men from believing what God suffers their judgement to bee perswaded of.

*Among the Proposals of the Army, 1. Aug. 1647. This was one, That all coercive power, and all civill penalties for non-conformity, be wholly repealed, and some other provision made against such Papists as should disturb the publick Peace:*

*And since by the Experience of Germany, Poland, Switzerland, Holland, France, &c. The Consistency of diverse Religions under one Government is evidently proved, aswell where the Protestant commands the Roman Catholick, as where the Roman Catholick commands the Protestant.*

It is humbly offered,

*That no penalty be imposed upon any, professing the Gospell of CHRIST, merely for difference of judgement in matters of Religion.*

2. The publike use of all Churches, and the entire benefit of Church-endowments being wholly submitted to the dispose of the State.

It is humbly offered,

That no person, believing in Christ Jesus, and living peaceably, and unoffensively, be by any penalty restrained from the quiet exercise of his Conscience in his private House; observing therein such Rules as the State shall think fit to appoint for preservation of the publike Peace; A practice which by long experience in Holland is found both satisfactory to the people, and secure to the Governours of the Common wealth.

3. Since the Law of God is so far from allowing any penall sentence to be grounded upon the enforced Oath of the party, that it expressly forbids any offence whatsoever to be tryed by the single testimony of one witness. Deut. 19. 15. Mat. 18. 16.

It is humbly proposed,

That an Oath be exacted of any person, compelling him under forfeiture of Life, Liberty, or Estate, to swear against his Conscience, or to accuse and condemn himself.

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especially

especially in matters that concern his inward belief.

4. Since in all Religions there are still found some scandalous livers, and that our Saviour pronounces the Woe against him only, by whom the scandall comes, Mat. 18. 7. Luke 17. 1.

It is humbly proposed,

That whoever shall offend against the Order of so mild and Christian a settlement, may be severely censured, but that others (though of the same judgement in Religion) be no farther made subject to the punishment, than proved guilty of the crime.

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In stead of my opinion concerning these foure Proposals of the Papists ( because to my sense they carry in themselves both their owne evidence and justification ) I shall beg the Readers permission to set down a particular conceit, which I have often observed to be very well relisht by all that have examined it. That doubtles there is no way more suitable to the first Principles of all Reformed Churches, no way so probable to satisfie all Consciences, as not to impose any other Obligation for proof of conformity, than this profession to believe the holy Scripsinres of the Old and New Testament to be the Word of God, and to live according to the Precepts plainly contained therein ; this acknowledgement to be exprest in generall tearms without descending minutely

minutely to particular questions, which have certainly been the chiefe cause of so many Controversies and Divisions in the World.

And now I humbly appeale to the honorable and religious *Committee for propagation of the Gospel*, Whether the sweet Spirit of the Lord Christ (who gave his Apostles no further power, than to relinquish such as refused to heare them) be reconcilable <sup>2 Tim. 4.24.</sup> to the former practices of the high Commissioners, or the present practices of our Sequestrators; Whether, when the great Apostle Paul prescribes the *servants of the Lord to forbear, and in meeknesse instruct those that are contrary minded*, hee should bee thus cross-interpreted, that the Estates of those who are contrary minded, be first secured or *forborne*, and then after a time quite taken away, *to instruct them in meeknesse*, or how to bear patiently the losse of the vain and transitory riches of this World.

And now I humbly appeale to the honorable and learned *Committee for regulation of the Law*, whether (since all those penalties which the rigorous humours of former Ages have, under pretence of zeal, imposed upon the Conscience, are either by disuse forgotten, or by expresse Act of Parliament revoked) the Papists alone should still be continued under the same severities, nay their burthens encreased by the strange method of the new proceedings towards them, their Consciences being now not onely punishable in the Common way of indictment, but compellable even to accuse themselves by the new Presbyterian Oath of *Abjuration*, against the known Principles of the ancient and reverend Laws of this Land.

And now with an humble confidence, I appeale to the renowned Parliament of the Commonwealth of *England*, whether in this generall Goal-

delivery of the Conscience from the tyranny and oppression of the Prelates, the consciences of Papists alone, ought still to be kept in prison? Whether, when all the fetters, which the Rigid Kirkemen had bought up in *Scotland*, are broken in pieces just as they were locking them fast about our Consciences in *England*, the Consciences of Papists alone ought still to be continued in chains? Whether, when all the Societies professing *Christ Iesus*, and living obediently to the Magistrate, and peaceably one with another, are protected in the quiet and unoffensive exercise of their Consciences, the Papists alone should be forced under the penalty of so great a ruine, not only to profess, but swear against their Consciences? A course that in a short time will unavoidably bring them either to absolute beggery, or, which is worse, to hypocrisie, or, which is worst of all, to perjury.

All the people of this Nation look upon you as their common Father, all promise themselves liberty and protection under your Government, ( though some may justly be excluded from sharing in the Government. ) Were there in my Family one child that profess to finde satisfaction in the way of the Papists, and lived dutifully to mee and lovingly with his Brethren, I should account it a great unnaturalnes to deprive him altogether of his portion, much more of that which hee has received from the bounty of any collaterall Kinsman, or acquired by his own particular diligence and improvement; And though some Papists have heretofore been truly chargeable with heinous crimes against their Country, yet why should our Justice over-reach to condemne all, for the offences of a few? If they have formerly abetted competitors to the Crown, why should the punishments so long out-live the fault?



fault? certainly the Offendours being dead, their trespasses should rather be buried in their Graves, and not like Ghosts walk to affright and pinch their Children.

It is time wee should now mix a little mercy to allay the fumes of so much justice, which otherwise will not ascend to the Almighty's Throne in the odour of sweetnesse.

It is time we should begin to imitate the pattern, which our mercifull God has set before us in his own practice, when hee commanded the *destroying Angell to sheath his Sword*, with this compassionate Motto, *It is enough*.

It is time we should begin to answer the bounty of our God, who has so freely given us the blessings of *ten thousand Talents*, by freely forgiving our *Fellow-Servants the small summe of 100 pence*. Let us not invade or storm the Consciences of our brethren; *for the Lord was not in the great and strong winde that rent the Mountaines and brake in pieces the Rockes*: Let us not shake the inward peace of any quiet and unoffensive Christian; *For the Lord was not in the Earthquake*: Let us not kindle in our Hearts a devouring flame of uncharitable zeal; *For the Lord was not in the Fire*: but let us compose our affections to the soft and gentle Key of Love and mutuall forbearance; *For the Lord was in the still small Voyce*. Let us alwayes attend to this *still Voyce of the Lord*, speaking within us, *doe as you would bee done unto*; Let us alwayes attend to this *small*, but *sweete Voyce of the Lord*, calling upon us, *Love your Enemies, Blesse them that Curse you, doe good to them that hate you, and pray for them that despitefully use you and persecute you, that you may bee the Children of Your Father which is in Heaven*;

18. Mat.

23.

1 Kings.

19. 11, 12.

5. Mat. 44.

Heaven; For hee maketh the Sun to rise on the  
 Evill and on the Good, and sendeth Raine on the  
 Iust and on the Unjust; For if you love them which  
 love you, what reward have you? doe not even the  
 Publicanes the same? and if you salute your Brethren  
 onely, what doe you more than others? doe not  
 even the Publicans so? bee you therefore perfect as  
 your Father which is in Heaven, is perfect.

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*Postscript.*

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## Postscript.

IT was the will not providence of the Lord ( to whose dispensations as well of Justice as Mercy we must resigne our little interests ) to call me suddenly into the Country upon a sad and mournfull Occasion, which utterly defeated my purpose of reviewing those few Lines: And therefore, after my humblest submission of them to the Judgement of the Supreme Authority, I am encouraged to presume the Courteous pardon of the Readers , especially if ( since it is truly a kind of Death to mee to Live out of *London* ) hee will please to consider this as a posthumous Pamphlet, containing the serious though indigested thoughts of

*Will. Birchly.*

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1933

2025-10-15